

DEBATES

OF THE

# House of Commons,

From the Year 1667 to the Year 1694.

COLLECTED BY THE

Hon<sup>ble</sup> ANCHITELL GREY, Esq;

WHO WAS

Thirty Years Member for the Town of DERBY;

CHAIRMAN of Several COMMITTEES;

AND

Decyphered COLEMAN'S LETTERS for the Use

of the HOUSE.

*Great Britain - Parliament. (1667-94) House of Commons.*

---

IN TEN VOLUMES.

---

VOLUME X.

---

---

GLONDON.

Printed for D. HENRY and R. CAVE, at St John's Gate.  
and J. EMONSON, in St John's Square.

M DCC LXIII.

4447.3

Bv 1880. 15\*

1764-74 —

Gift of  
Thomas Hollis,  
of London.

TO

The RIGHT HONOURABLE

ARTHUR ONSLOW, Esq;

SIR,

**A**S you have already been pleased to honour the Parliamentary Debates of ANCHITELL GREY, Esq; with your Patronage, by mentioning them with Approbation from the Chair of the House of Commons, they could not, on this Account only, be addressed with Propriety to any other Person ; but your long and familiar Acquaintance with the Subject, your Experience in the Business of the House of Commons, during Seven successive Parliaments, assisted by the Observations and Ex-

a perience

perience of your Ancestors, who had, by a kind of Hereditary Merit, represented, almost without Interruption, for more than a Century past, your native County, of which, by the same Title, you at length became the Representative; the Dignity, Integrity, and Sagacity, with which you at once filled and adorned your late elevated and important Station, to which you were advanced by the unanimous Choice of the Commons of *Great Britain*, could not fail to determine the Editor of this Work, without any other Motive, to give it the Sanction of your Name, and sollicit for it the Honour of your Protection.

It is still remembered with Reverence and Gratitude, by every Friend to Virtue and his Country, that in all the Rage of Party Zeal, which in the late

Reign

## DEDICATION. iii

Reign so often threatened to fill the House in which you presided with Tumult and Confusion ; you sat, like the guardian Genius of the Place, repressing every irregular Sally with the calm Dignity of deliberate Wisdom, and asserting the Rights of every Individual with a Steadiness and Impartiality equally superior to Interest and to Passion.

A Work, therefore, of which, after you had perused it, you was pleased to encourage the Publication, as of general Utility and Importance, cannot stand in need of any other Recomendation.

The Editor has only to express his Gratitude for the Notice with which you have been pleased to honour him ; he does not so much as attempt an Encomium upon your Character, not

iv DEDICATION.

only because, in this, he must be anticipated by the Sentiments of every one who hears your Name, but because HE must hold the Panegyric of a DEDICATOR very cheap, who has received the Approbation of his Sovereign, and the public Thanks of his Fellow Subjects, in their collective Capacity, for the many and important Services which he has rendered to his Country.

*I am, SIR,*

*With the most profound Respect,*

*Your most Obliged,*

*And Devoted Servant,*

*The EDITOR.*

TO THE  
R E A D E R.

**T**HE Importance of these DEBATES may be easily conjectured by the Dates from 1667 to 1694; a Period of Time remarkable for the Multitude of Schemes which were formed, the Variety of Events produced, the Diversity of Interests which prevailed; the Struggles between Prerogative and Privilege, the Out-cries of Abhorrence and Prosecution, Efforts against Poverty and arbitrary Power, the Number of Plots and Conspiracies, either real or imaginary; Impeachments of Ministers, Attempts to set aside the Heir of the Crown, the Expulsion of a King, and the Re-establishment of the Constitution.

An authentic Representation, therefore, of the Part, which the House of Commons bore in those momentous Affairs, must naturally fix the Attention, and raise the Expectation, of every Man of Fortune in the Kingdom, who desires to view the Gradations of these memorable Events, to trace Revolutions to their Causes, and to know to what Names the Nation is indebted for its Honour and its Liberty: Informations that cannot be easily obtained but from the following Collection; in which the Names of the Speakers are at length, and the

Reader

Reader is led forward from Day to Day, and from Question to Question, and enjoys the View of all the Variations of that uncertain Time ; observes the Birth, the Progress, the Maturity of Designs, sees the Colours of Party change before him, and Patriotism sink in one Year, and rise in another.

Besides the Preference to be given to this Work for its Regularity, its EXCELLENCE and AUTHORITY will appear from the Character of the Collector, who was a Person of eminent Rank and Distinction, of remarkable Sobriety and Diligence, of strict Honour and Piety, greatly respected in the Senate, and beloved and adored as a Magistrate. He was present at all the Transactions which he relates except a very few, communicated to him by Members, whom he generally names ; and as he wrote them without any View of Publication, cannot be supposed to have added or suppressed any thing by Design.

Another Excellence is, the artless and concise Manner of Expression, without Circumlocution, or the Embellishments which even an extempore Discourse might admit ; preserving only the naked Arguments, but so as not to conceal the Ability and Spirit of the Speaker.

Together with these Advantages, the Bulk of this Collection is another Recommendation. For, though Brevity is much consulted, it contains

tains fifty Times more of the secret Deliberations of the House, than all the Accounts of Debates for the same Time yet published ; for, were any Part of them genuine, yet, for several Sessions, they have no Debate at all ; whereas the Conviction which the Reader here finds that he is not misled, but enters on every Day's real Business, induces him to consider himself present in this active and honourable Assembly, partaking the Ardour and Anxiety of the unbiassed *Englishman*, and resenting the Subtleties and Evasions of his Opponent.

Thus no Objection can be made to this Work, in Point of Authority, which in former Collections may be doubted, because they appear to have been drawn up for Publication, and might, therefore, be intended for the Service of a Party, and because the Writers were either unknown, or for the most Part obliged to receive their Information from others. But as the honourable Collector of these Volumes set himself the Task of taking the Notes, only for his own Use or Amusement, he was under no Temptation either to suppress or misrepresent any Argument or Occurrence. He appears, indeed, to have been sollicitous that nothing either of greater or less Importance might escape him, and accordingly has preserved the minutest Circumstances at the Bar, though they relate chiefly to private Persons ; and of the Prece-

viii      **To the R E A D E R.**

Precedents, Rules, and Customs of Parliament, perhaps, there is no where to be found so accurate an Account.

For all these Reasons it is imagined that no Compilation can be met with of greater, or of equal Use, for giving Light to the Journals of the Commons, for clearing up the History of the Reign of *Charles II.* and for shewing the Progress of the Settlement of the Nation at the Revolution.

But notwithstanding the Writer's Diligence and undoubted Integrity, it hath been necessary to make some Insertions, (chiefly from the Journals) for the Sake of the Connection; but that the Reader may not suspect a Design of leading him aside from the Truth, when it is only intended to smooth his Way, every Addition is distinguished from the Words of the Original by being inserted within Crotchets.

Several Notes also are added by the Editor, illustrating from the Histories of the Times, the Characters of the principal Speakers, and explaining (where necessary) the Subject of the Debates. And, that Reference may easily be had to any particular Incident, a large Table of Contents is annexed to the End of the Work, containing, in a regular Series, the Subject of every Debate.

**D E B A T E S**

# DEBATES

IN THE

## House of Commons,

*From the Year 1667 to the Year 1694.*

[*Thursday, March 20, 1689-90.*]

THE new Parliament met\*; when his Majesty, in the House of Lords (by Sir *Robert Atkins*, Lord Chief Baron of the Exchequer, and Speaker of the House of Lords) commanded the Commons to proceed to the choice of a Speaker; and the House being returned, Sir *John Lowther*, Vice-Chamberlain to his Majesty, humbly proposed to the House, “That he conceived Sir *John Trevor* †, both for his great experience in Parliamentary affairs, and knowlege in the Laws, was every way qualified for that employment;” and accordingly he was, on the Question put, allowed of, and chosen for the Speaker, and immediately conducted to the Chair by Sir *John Lowther* and Sir *Henry Goodrick*; where he acknowledg'd the great honour the House had done him; withall saying, “That he feared they had done

\* The Elections of Parliament went generally for men who would probably have declared for King *James*, if they could have known how to manage matters for him. The King made a change in the Ministry, to give them some satisfaction. The Earls of *Monmouth* and *Warrington* were both dismissed. Other lesser changes were made in inferior places; so that Whig and Tory were now pretty equally mixed; and both studi'd to court the King, by making advances upon the Money-Bills. *Burnet.*

† Sir *John Trevor* was a bold and dextrous man, and knew the most effectual ways of recommending himself to every Government. He had been in great favour in King *James's* time, and was made Master

of the Rolls by him; and if Lord *Jeffreys* had stuck at any thing, he was looked on as the man likeliest to have had the Great Seal. He now got himself to be chosen Speaker, and was made First Commissioner of the Great Seal. Being a Tory in principle, he undertook to manage that party, provided he was furnished with such sums of money as might purchase some Votes; and by him began the practice of buying off men, in which hitherto the King had kept to stricter rules.

*Burnet.*

In March, 1694, he was expelled the House, for receiving a gratuity of 1000 guineas from the City of *London*, after passing the Orphans Bill; and Mr *Foley* succeeded him as Speaker.

B

them.

VOL. X.

themselves a great prejudice in making choice of him; an therefore he desired their leave to disable himself before th Royal Throne, that they might thereby have an opportunity of making a better choice." *Journal of the Day.*

Friday, March 21.

The House attended the King in the House of Lords, where his Majesty, after confirming Sir John Trevor Speaker, and allowing of and granting their usual Privileges, was pleased to make the following Speech :

" *My Lords and Gentlemen,*

" I am resolved to leave nothing unattempted, on my part, which may contribute to the Peace and Prosperity of this Nation; and finding my presence in *Ireland* will be absolutely necessary for the more speedy reducing of that Kingdom, I continue my resolution of going thither as soon as may be; and I have now called you together for your assistance, to enable me to prosecute that War with speed and vigour; in which I assure myself of your cheerful concurrence, being a work so necessary for your own safeties.

In order to this, I desire you will forthwith make a settlement of the Revenue; and I cannot doubt but you will therein have as much regard for the honour and dignity of the Monarchy in my hands, as hath been lately shewed to others: And I have so great a confidence in you, that, if no quicker or more convenient way can be found for the raising of ready Money, (without which the service cannot be performed) I shall be very well content, for the present, to have it made such a Fund of Credit as may be useful to yourselves, as well as me, in this conjuncture; not having the least apprehensions, but that you will provide for the taking off all such Anticipations as it shall happen to fall under.

It is sufficiently known how earnestly I have endeavoured to extinguish, or at least compose, all differences amongst my Subjects, and, to that end, how often have I recommended an Act of Indemnity to the last Parliament! But since that part of it, which related to the preventing of private suits, is already enacted; and because Debates of that nature must take up more of your time than can now be spared, from the dispatch of those other things which are absolutely necessary for our common safety; I intend to send you an Act of Grace, with exceptions of some few persons only, but such as may be sufficient to show my great dislike of their crimes; and, at the same time, my readiness to extend protection to all my other Subjects;

Subjects ; who will thereby see, that they can recommend themselves to me by no other methods, than what the Laws prescribe ; which shall always be the only rules of my Government.

“ A farther Reason, which induces me to send you the Act at this time, is, Because I am desirous to leave no colour to any of my Subjects for the raising of disturbances in the Government ; and especially in the time of my absence : And I say this, both to inform you, and to let some ill-affected men see, that I am not unacquainted how busy they are in their present endeavours to alter it.

“ Amongst other encouragements which I find they give themselves, one of the ways by which they hope to compass their designs, is, by creating differences and disagreements in your Councils ; which I hope you will be very careful to prevent ; for be assured, that our greatest enemies can have no better instruments for their purposes, than those who shall any ways endeavour to disturb or delay your speedy and unanimous proceeding upon these necessary matters.

“ I must recommend also to your consideration an Union with *Scotland*. I do not mean it should now be entered upon ; but they having propos'd this to me some time since, and the Parliament there having nominated Commissioners for that purpose, I should be glad that Commissioners might also be nominated here, to treat with them, and to see if such terms could be agreed on, as might be for the benefit of both Nations ; so as to be ready to be presented you in some future Session.

“ *My Lords and Gentlemen,*

“ I have thought it most convenient to leave the Administration of the Government in the hands of the Queen, during my absence ; and, if it shall be judged necessary, to have an Act of Parliament for the better confirmation of it to her, I desire you would let such a one be prepared to be presented to me.

“ I have this only to add, That the season of the year, and my journey into *Ireland*, will admit but of a very short Session ; so that I must recommend to you the making such dispatch, that we may not be engaged in Debates, when our enemies shall be in the field : For the success of the War, and the more thrifty management of it, will both principally depend upon your speedy Resolutions ; and I hope it will not be long before we shall meet again, to perfect what the time will not now allow to be done.”

The Speaker, and the House, being returned, the rest of the day was employed in taking the Oaths, &c.

*Saturday, March 22.*

The Speaker reported and read to the House his Majesty's Speech, as above.]

Debate.

**SIR John Lowther.**] I should be glad to be informed of the method by which you will proceed, in the consideration of the King's Speech: Nothing is more certain, that not only the good of this Nation, but of all *Europe*, depends upon your Resolutions. I move, that the House may go into a Committee, which is most proper for Gentlemen to have liberty to speak as often as they please. No one man can comprehend what he has to say, at once. I move to go into a Committee.

**Sir Thomas Lee.**] I should be glad to know the business of that Committee, when we go into it. The Speech is of divers parts. One part is most necessary to be immediately thought of, and that is of Supply; the reason why you support the War, is to support the Kingdom; that being so, you will but mispend your time on Supply. I thought you would have been moved to give the King Supply by a Vote for it. I move you for it, but I name no proportion.

**Sir Thomas Clarges.**] I observe, that, in part of the King's Speech, the King speaks of "the Revenue," and I think that is Supply. I would read the Speech in Paragraphs, and then Gentlemen may move as they please.

**Mr Hampden.**] I am in some difficulty what to say. It is not the first time I have seen a Committee have general directions. If a Supply be moved for, then you are to go into a Committee, to consider the matter.

**Sir Edward Seymour.**] According to the ancient Rules and Orders of the House, you may consider all the other parts of the King's Speech, but of Supply, nothing. You are not to part with Money upon any consideration, without consideration. If you will

will go upon all the parts, except what relates to Supply, you may; but there is no consideration of such moment, as to take off your padlocks from Money, considering the poverty of the Nation.

*Sir Henry Goodrick.]* I agree with *Seymour* that, if Supply be first moved, then you go into a Committee. The King desires “a settlement of the Revenue, as other Monarchs have had;” it is not immediately a Supply.

*Sir Christopher Musgrave.]* If you consider the granting a Revenue, you go against the methods of the House.—We are told, “this is not granting Money,” but I take it to concern Money as much as may be. It is giving Money, and then you ought to appoint a day for the consideration of that Motion: I hope you will not precipitate matters, so as to break the Rules of the House. I am as ready to support the Government as any man, and you are secure not to suffer by going according to the Rules of the House. I would appoint a day, &c.

*Sir John Lowther.]* I desire leave to be heard again. I would not have any body think, that I intended, by my Motion, to surprize the House. I did not understand “a Bill for the Revenue” to be a Motion for Supply; but if that be the sense of the House, I am for a farther day; and I doubt not but, the necessity of the Motion considered, you will appoint a speedy day. If those who understand the method of the House better than I, agree for a Bill, I move for to-morrow morning; but because I would not displease nor surprize any body, for my own part, though there be prudence on one part for a longer day, there are affections on the other side for a speedy day.

*The Speaker.]* The reason of a Grand Committee is, that there should be no surprize. In the late King *James's* time, the House immediately entered into a Grand Committee, because the Motion of Supply was not opposed. You may put the Question for to-morrow, or when you please.

Mr *Hampden.*] It is moved for “to-morrow to go into a Grand Committee, to settle the King’s Revenue.” The Motion is said to be for raising Money. The House does ever religiously observe Order every way. I ever shall be for it ; but, in that Question, I would not involve another Question. Gentlemen say, “settling the Revenue is granting Supply ;” but let us hear why, and why not. But keep to that first Question, “That a Motion being made for settling the King’s Revenue, to appoint a day to consider of it.”

Sir *Edward Seymour.*] Your Books will direct you. Put your Question in the words of your Order, and that will direct you.

Mr *Sacheverell.*] I would a little consider and open what is to-morrow’s work. I have always been of opinion, that the *French* King is the most likely to trouble *England*, and I doubt not but Gentlemen will not give a Million in Trade to support him. I have showed it formerly, as manifest as the Sun shines. I can bring undeniable proofs of it out of the Custom-House Books. But if you settle the Revenue before that be considered (which will be done in a day or two) till that be, I cannot give my consent to give away so great a sum

Sir *Henry Goodrick.*] This must be, in consequence, settling a new Book of Rates, but you cannot remedy this : Unless you bring all others into the same prohibition, yours will signify little ; but if the meaning be for a new Book of Rates, you have not time now to do it. All *Europe* will have a vast advantage by having that Trade, and you will lose it. I would have Gentlemen tell us, whether it be practicable in a month’s time ?

Mr *Sacheverell.*] I did not talk of a prohibition, only the consideration of so great an evil, and when the House has an account of it, I only lay it before you.

Sir *Thomas Clarges.*] If he moves not for a new Book

Book of Rates, he moves for nothing. How comes this to you? Now you are to consider of the Revenue, he tells you "that the Trade with *France* is a Million." I believe, by the Book of Rates, of 27 or 28 years standing, comparing it when in War, there is a great over-balance. That Paper of the *French* Trade has walked this House long. But, as *Sacheverell* uses to say, "he would have things above-board," if you settle the Revenue on the King and Queen, without the Book of Rates—I have heard say, that it may be done in a week's time. We may have Peace with *France*, *Pax quæritur bello*. I would so settle Trade as it may be for the future.

Mr *Papilion.*] I believe all Gentlemen have the same dislike to *France*; but it was that Book of Rates he mentions, when the Court favoured *France*. I have known the time, when the *French* Trade was an advantage to *England*; but now we are in War with *France*; but when we come to Peace, then it will be proper to make a settlement of the Rates; but if you make one now, you must make a new one then, when time is proper. Now we are at enmity with *France*, it will be of no advantage at all, but loss of time.

Sir *John Knight.*] I was in hopes that *Sacheverell*, when he gave you an account of *French* Trade, would have told you how Trade is now carried on with *France*. There is a Ship at *Bristol* with all Commodities for *France*. I desire it may be considered.

[*Resolved, Nem. con.* That the humble and hearty Thanks of this House be presented to his Majesty, for his gracious Speech.

*Resolved, Nem. con.* That the House will assert and support the Government under their present Majesties King *William* and Queen *Mary*, both by their Counsels and with their Assistance, to the utmost of their Power.

*Resolved,* That the whole House do attend his Majesty with the said Resolutions; and that this House will, on *Wednesday* morning next, take into consideration his Majesty's gracious Speech.]

*Monday, March 24.*

The House attended his Majesty at *Whitehall*.

*Tuesday, March 25, 1690.*

The Speaker reports, That, in Answer to the Resolutions of the House, presented yesterday to his Majesty, his Majesty was pleased to express himself to this effect :

“Gentlemen,

“I thank you for your Address, and for your Resolution to assist and support me: And as I have ventured my Life for the Nation, so I am resolved always to do.

“I hope you will take my Speech into your speedy consideration, and that this may be a happy Session.”

[Sir *Thomas Mompesson*, in his Place, asked Pardon of the House, and of Mr *Okeden*, for assaulting Mr *Okeden* in the Lobby, an Account thereof being given by Mr *Piper* and Col. *Trelawney*, Members of the House, and the Serjeant at Arms, and Door Keepers; and the Speaker acquainted Sir *Thomas Mompesson*, “That the House had considered that he was an ancient Member; and therefore were very indulgent to him by their Resolution, which he acquainted him with, and required him to ask Pardon accordingly,” which he did do.]

*March 26, Omitted.*

*Thursday, March 27.*

In a Grand Committee, on the Supply.

Mr *Hampden*, Chancellor of the Exchequer, in the Chair.

Sir *John Lowther*.] It was your Resolution yesterday to go to-day into a Grand Committee, to consider of Supply. The first Paragraph of the King’s Speech is about “settling the Revenue,” and it is to that I stand up to move you. For rescuing you from arbitrary Government, and restoring you to your Religion and Laws, the King has done his part; there remains our part to be done. The reducing *Ireland* is a great work to be done; the King is willing to go thither in Person, to make your Charge easy; and I hope the King’s return will be victorious and speedy: And when he does expose his Person, and we are at

our

our ease at home, for expressing our gratitude I move you “ to settle the Revenue on King *William* and Queen *Mary* for their Lives.”

Serjeant *Maynard*.] If the King be necessitous, he will have necessitous Counsellors about him. The Revenue of the Crown-Land is all gone, it is aliened from him; he can have nothing from his Land, but from Parliament. The Question is, What and for how long you will give him? A King in want can never be quiet. As for the Revenue, I would not have it too much—Consider *Quantum, quomodo, et quamdiu*. I move, “ That it may be settled for three years.” As King of *England*, if all were quiet, I would have it for Life; that the King may be a Freeholder as well as we. As for the relief of *Ireland*, that is a distinct consideration by itself.

Sir *John Thompson*.] You cannot put the Question, “ for settling the Revenue for Life,” without leave from the House. The Order is, “ to consider about Supply.”

Sir *Thomas Lee*.] I always thought, that they that gave the Crown of *England* “ a Revenue,” gave “ Supply.” I speak only to Order. I think “ the matter of the Revenue” is the only Debate before you.

Sir *Christopher Musgrave*.] I think you cannot put that Question; before you come to that, you must go to the particular parts of the Revenue; you must tell us what you mean by “ Revenue.” As for the Excise, part of it is Hereditary; it was so, and I know not what has made it otherwise. Before you put the Question, I would know whether all the Customs and Excise be complicated in the Question. Would you have all the Revenue for Years turned into Lives? First, consider whether any part be Hereditary, and whether you will make it all so; when that is ordered, then consider Supply. The first Question is, “ Whether a Supply shall be granted;” and then the House may be moved for a Bill.

Mr

Mr *Paul Foley.*] What you are now debating is of vast consequence to us, and *England*, for ever. I would know what the Revenue is, and what it is likely to prove, and not to settle a Revenue for Life, as is necessary in War, but in time of Peace. When *Charles II.* returned, it was generally agreed, that 1,200,000*l. per annum*, was a sufficient Revenue to support the Government; in the next Parliament, it was not pretended that more was requisite, but that, the Revenue came not up to so much. I know not what the Revenue is now; but I have heard, that in *Charles II.*'s time, it was two Millions, and more in *King James*'s time; therefore I would have you consider, and it is worth your while to consider: If you settle such a Revenue, as that the King should have no need of a Parliament, I think we do not our duty to them that sent us hither. Therefore I would know what the Revenue is.

Sir *Edmund Jennings.*] I remember the method in *King James*'s Parliament, and why now we should take other Precedents, I know not. If you desire to preserve the Church and State, will you not settle such a Revenue as will do it, and why is not this King to be trusted as well as *King James*? Either we shall run back to Popery and Slavery on the one hand, or Anarchy on the other. What will neighbouring Princes say, if we do not do by this Prince, as we have done by the former? I doubt we shall find ill effects afterwards. I have no Court-employments to expect or lose, only I would save Religion and Property: Therefore settle the Revenue upon this King, as upon *King James*.

Sir *Robert Cotton.*] We cannot answer the King's ends, without doing as is moved. You must settle a Fund, and you must distinguish the Hereditary Revenue, and a Fund. I would express my Gratitude to the King, but there must be some certain number of Years to have a Fund.

Mr *Hutchinson.*] You have been moved "to settle a Revenue

Revenue upon this King, as upon King *James*." I would know whether that had so good effect, as to settle it so now, and whether so extravagant a Grant can be good either for a good or a bad Prince? If you gave this Revenue to a bad Prince, you cannot now decently take it away; if you give it to a good Prince, he may be thrifty, and may have a Bank, and may presume upon it to destroy our Liberties. If a Prince be prodigal, he is more safe than if thrifty; but it is an odd sort of safety, and to be given to Pensioners to betray their trust. I would have the Revenue known. As for the present Supply, I would know that now, and consider it.

Mr *Pelham*.] You are told " that the Revenue came to two Millions in King *Charles*'s and King *James*'s time;" but, as to what is said of the ill effects of it in King *James*'s time, none of that mischief came by that Revenue, but upon what was given him afterwards, which enabled him to raise his Army, and bring in Popery.

Sir *Joseph Williamson*.] By complication of several parts, the Question becomes more difficult. The scope of the King's Speech being Supply, that is properly before you; but as to the other Language of it, of settling a Revenue for a Supply, you must think well upon it before you come to a Resolution. In matter of Supply, the Question is not strictly held to it by firsting, seconding, and thirding it, but it is to be opened, so as freely to give a judgment, whether we can make the one or the other. Till it can be showed, that settling the Revenue is the Supply, I cannot come up to the Question. A Supply is necessary; we cannot sit here else. A Revenue, for the King to live with honour and comfort upon, every body is for, so as to provide for the Monarchy, in whose hands soever it is, that Parliaments may be frequent. There are some alive, that know all, and have felt, that, when Princes have not needed Money, they have not needed us. I have seen

seen Princes undone by those methods, that they have been made believe would establish them. I drive at this: Will Gentlemen show us what part of the Revenue is a Fund to supply the present necessity practicable and effectual? In this case, wherein all our safeties are at stake, that that should be given for Money which is none!—I have heard say, “There is a great Revenue, 1,200,000 *l.* a year.” I would ask, what can be taken up upon that uncertain Revenue? For that point so to give, that we may be still called to give—This way will be to anticipate the Revenue—For the pressing occasions, if there can be laid down a Fund for the present necessity to be anticipated, it will be a guard still for a Parliament. I would give such a Supply as to prosecute the War with speed and vigour; and I leave the consideration of it to other persons.

*Mr Harbord.]* “To supply the King” will be without contradiction; therefore I would put that Question.

*Sir Christopher Musgrave.]* You tell us, “That a Question for Supply will answer the first Article of the King’s Speech.” But I would have it answer the second Article, “upon the Revenue.” I suppose it has been considered, that the Revenue must be a Fund; therefore I would have it; for with the Revenue [there must be] a security. I would have the way prescribed, before you can do the thing. The King is of opinion, that it may be a Fund; therefore I would have that Question.

*Sir John Lowther.]* 'Tis my private Opinion, that, for the present, the Revenue may supply the present occasion, by security; but God forbid you should confine yourselves, now you are in a War! The King defires this testimony of your affections for all he has done for us. As for the Revenue, he cannot live without it; but for Supply for these Wars, I hope you will not confine yourselves. After you have voted a Supply, you may then take into consideration the Fund of Credit, and you may make this addition for both their Lives, and for so many years after as to be a Fund

a Fund of Credit. I am no Lawyer, but believe it may be done.

Mr *Foley.*] I cannot say any thing, till we know what the Revenue is, nor till we have an account of what has been spent of what we have already given. In three fourths of a year, the Treasury has received 1,500,000 *l.* besides what we gave; six Millions were received last year and this. Now, what account have we of all this? Therefore I would give no Supply till an account be first brought to us. I do not think that a good argument to give, because the King goes into *Ireland*; nor convenient for the King to have an Exchequer full, if the King goes into *Ireland*. I would give this King Money, but not by a Rule, because we have given other Kings. I stand upon it, to have more reason from the accounts before we give Supply.

Sir *Henry Goodrick.*] If Gentlemen come not prepared to support the Monarchy, and establish good understanding—But when the King says, “He has that confidence in this House,” I see no difficulty but that every man is prepared in his thoughts. You are upon the Question of “settling the Revenue.” ‘Tis that the King sets his heart upon. You may know what the Revenue is, and then you may consider the Fund: Your second Question settles not that, unless by way of implication.

Sir *Edward Seymour.*] Your Motion for Supply is by Order; your Debates are on several things; of Supply, and the Revenue; and that is part of the Supply. When I consider we are come so lately from giving Money in one Parliament, I wonder how we come to leap into that now, unless you make one Parliament to vye with another *ad infinitum*; but if this continue, you will make the Ministers independent. We that have placed the King on the Throne, are those that will keep him in it. I have always seen it here, that hasty Resolutions in Parliament never produced good consequences for *England*. We are told of former Kings who had this Revenue, that from such easy concessions

came

came our miseries ; and seeing we are so well redeemed from them, let us prevent them for the future. The safest results are from hence, rather than from abroad. To settle the Revenue must be a work of time, and not to be in that inequality, useless in War, and not useful in time of Peace. Had you not time little enough last Parliament to consider it, and will you do it in less now ? You will make things precarious. We shall make an ill bargain, to support the Church to destroy the State, and the Constitution of that must support us. Let us come to that point of the Revenue that is for Life, to enable the King to carry on the War. If for Security, I would consider how much is necessary to carry on the War, and then to have the power in your own hands ; you that have the game in your hands, to put it into those hands that played for King *James*, that now play for King *William* ! As this the last Parliament, so another governs this. The White Horse rides one Stage, the Black another. Can the properties of *England* be safe, when you yourselves are made properties ? As for the Revenue, I would leave it like wise men, not like a horse in the mire. Have your Allies left you, because you did only settle it for one year ? Now you have done like wise men, I would leave the State-Trap of the Revenue behind you.

Sir *Henry Goodrick.*] Let us come to an end of our Stage. If you must have neither "Black Horse nor White for our Stage," must we ride upon an Ass ? And if we do not supply the King, we shall ride an Ass. You settle it only for the Lives of your Deliverers.

Sir *John Lowther.*] I am sensible of the Miscarriages ; and whilst there are Governments, there will be Miscarriages, whilst men are men. I would be glad to see men help, and not embroil. I would not willingly inflame this matter : I would with all content retire to my cottage, from my part of employment, rather than live always in such diffidence that I must be armed with head-piece and buff-coat. The Chimney-Money Act, and

and that of Navigation, were great concessions—With what pleasure can our Prince expose himself to an unhealthful country, to subject his Ministers to reflections! What can man do in this case? Since I am morally assured, there can be no preservation of the Protestant Religion, not one spot of ground, not one spot of land free from Popery, not only this Nation is the security of it, but this Prince; and when once this single person shall be removed, it is not all the World can secure it. If they hear some few mouths that reflect upon him and his Government, how can he support us? I hope there is no weight in it. Similies, without explaining, signify nothing without a meaning. I hope his Government will not be reflected on in this House.

*Sir Edward Seymour.*] I appeal if I reflected on the integrity of that Gentleman (*Lowther*), or the sufficiency of this (*Goodrick*)? I care neither for “the neighing of the Horse,” nor “the braying of the Ass.” The safety of *England* will be better supported here, than by any other hands. This will appear by the Change his Majesty has made of his Counsellors \*. If we may not here deliver our advice, certainly that is a very evil one.

*Mr Finch.*] You have one Question framed, “to bring in a Bill for the Revenue;” the other, “for a Fund of Supply, and the Revenue to be security for it.” Before you put the Question, there is something absolutely necessary for you to declare, *viz.* As you go on to settle the Revenue, for the honour of the King, not to pass by one thing in relation to the hereditary Revenue. I remember the progress that Question had in this House last Parliament: It was a Question, What did subsist, and what not? They were silent in that; they went only upon that for Life. The next thing was a Bill to authorize the collection of it for a definite time. In that Bill there was a Clause, “That the Revenue be collected for one year, and no longer.”

\* See p. 1. Note 1.

And

And it was taken notice of, that the word “no longer” would determine the Revenue; and, that the Crown had no subsistence, was a Question, whether it had any or no \*? Still that point remains undetermined; and will you leave that to be a Question still? You see that Question left undecided; it is still one, whether it was hereditary in King *Charles's* and King *James's* time, and if that Revenue be vested in King and Queen, in right of the Crown of the Realm, then it will be seen, that, though new persons are on the Throne, the ancient Monarchy is still on the Throne.

Mr *Ettrick.*] As for what is said of “the uncertainty of a Fund for Life,” you may have a Clause for Credit, in case the King and Queen die before the debt is paid. I am sorry to hear it talked, as if we had not minded our condition since we changed our King. If we had a Popish King, I should be more careful than under the King I am. I cannot, in justice and gratitude, do less for him than for his predecessors. In King *Charles I's* time, the not settling the Revenue upon him for Life drew on us all the mischiefs that followed.

[*Resolved*, That it is the Opinion of this Committee, That a Supply be given to their Majesties, to enable his Majesty to prosecute the War against *France*, and for reducing of *Ireland* with speed and vigour. Which was agreed to by the House, *Nem. con.*.]

Col. *Austen.*] I thought you had taken your first step, that you might walk forward. Does any Gentleman undertake the *quantum*, or that this should be a Supply? Pray let some Gentleman move a *quantum*.

Sir *Thomas Lee.*] The first part of your Question is not for leave to bring in a Bill for the Revenue: I only offer on the word “Supply;” that business of the Revenue comes in naturally, and you may offer what words you will, when the Question is stated.

Sir *John Guise.*] I am persuaded, that those who advised the King to go into *Ireland*, knew how to give

\* See Vol. IX. p. 176.

him

him Money in fifty days time. If you will say more, than "towards carrying on the War," say so; but let us have to-morrow to consider of it, to answer it to our Country.

Col. *Austen.*] I shall never be afraid of a Post, to bring news of what is done here. I am not for tricks of any sort. Your Question is, at this time, not so. I may give Money for a Revenue; but I may, or may not, give my consent for two Lives in it. Therefore put the Question "for a Revenue."

Sir *William Williams.*] When a Question is unanimously carried, it is thought enough for one day. Some of the Revenue may be given for Lives, and some for Years; but none for such a time that the Parliament may not come again; therefore leave the Chair.

*Friday, March 28.*

In a Grand Committee, on the Supply.

Sir *Christopher Musgrave.*] I move, that you would take the Revenue by parts, and consider what is annexed to the Crown, and what for Lives. I speak frankly, what hereditary Revenue is to be settled upon the Crown, and then come to the other Parts of the Revenue—For instance, half the Excise is hereditary; declare that annexed to the Crown, and then come to the other parts of the Revenue; likewise the Post-Office, the First-Fruits and Tents, something of the old Customs, with the Wine-Licences, &c.

Sir *John Lowther.*] No man is more of *Musgrave's* opinion than myself: The Motion I will make shall not preclude that. I renew the Motion, to take into consideration again what you have done yesterday. Yesterday's arguments are a fresh obligation to the King; if any thing relates to our Properties or Religion, all are relative to this. I know no arguments of distrust of the King; nothing can prevail against it—There were jealousies of the last Reign; but no instance can be given of a Prince who has done so much

for his People, for so short a time as he has been here I move, that the Revenue may be settled for Life.

Mr *Ettrick.*] 'Tis very plain, that what is to be raised is for your service. The King's Revenue is 240,000*l.* less than his predecessors. As if only this Question is, whether you will shew that countenance to the Government, as to support the King, or keep him as it were at Board-wages; as if only by this Question to fetter it with Forms to surprize Gentlemen.

He was taken down to Order by Sir *William Strickland.*

Mr *Hampden.*] "The House to be shackled with Forms" is a strange expression. I know that Forms must be kept.

Sir *John Goodrick.*] I know of no "Shackles," but what keeps us to order and decency.

Mr *Ettrick.*] What I said was not reflecting upon any thing to-day, but what happened formerly. The Question is very plain, Whether you will give as formerly, for Life, or for three Years?

Sir *John Thompson.*] We have been told "of putting the King to Board-wages." I do not aggravate the thing; but certainly we should know what we do, when we give away our Money; but, that we may speak our minds freely, I think the Liberties of *England* are in that Question. You were told yesterday, "What you shall give on the Revenue cannot answer your end." Certainly nothing is more prejudicial to the King, when it is demonstrable it cannot answer the end for which you give it. When you give this Supply, it must be wiped off by you. The standing Revenue is so great, that it is your danger in time of Peace. Either you must keep a standing Army, or the frugality will ruin you. The Revenue will keep 30,000 Men. I should be loth to see so many foreigners in *England* in time of Peace.

Earl of *Ranelagh.*] The Order is, "To consider the Revenue." The Motion is, "To consider the Revenue granted

granted to King *Charles* and King *James*, that it may be granted to King *William* and Queen *Mary* for their Lives." I find some Gentlemen would know what this Revenue is, and what part to be granted to the King and Queen. There is a Revenue for Lives and Years—The temporary Revenue is the imposition upon Wines and Brandy, &c. which determines in 1693. Sugars, &c. French and East India commodities determine at *Midsummer*. I would have it declared, "That the Revenue, vested in the two last Kings, is the Revenue of Inheritance;" and have leave given to bring in a Bill to settle it.

Sir *John Lowther.*] As near as I can, I will agree with the sense of every Gentleman. If you will proceed in the method proposed, I am very well contented. I move, "That the Revenue may be for the King and Queen's Lives, and the longest liver of them."

Mr *Sacheverell.*] I move, "That a Revenue may be settled on the Crown for time to come;" and I move, "That what is now vested in the Crown may not be alienated from the Crown." Whenever 'tis granted away, always the Subject must pay for it. Therefore, I desire Gentlemen to consider, if it once comes, whenever you grant away Impositions, granted by the Subject to the Crown, there is an end of your Government. It will make it like the great men of *Spain*, they get all, and the King nothing.

Sir *Christopher Musgrave.*] The Question is now, what the Revenue of the Crown is to be in time of War; 'tis otherwise in time of Peace. Now we must make use of all the Branches of the Revenue, now we are in War. I hope the King will not take it ill, if we settle the Revenue for Years; otherwise, if it is not for Years, as well as for Lives, it cannot be good security. If you settle it for Lives only, and not for Years, it cannot be a Fund; if for both, pray declare your sense. I know not if three Years, the number moved for, will be security or not; and if three Millions will be found without a prospect of some time.

moneyed men may lend, who understand security. That you may not be for a time uncertain, I move you "to grant the Revenue for four Years."

*Mr Ettrick.]* 'Tis something of a harsh proposition, the Revenue for Lives and Years too—I look upon the hereditary Revenue to be so far a Fund as for a present Supply of Money. If we know what Money is wanting, we may the better form the Sum. I have heard of "a Million" wanting. You may make, in a Clause of Credit, that no contingency may be in their Lives to the lender of the Money. I think we ought to have as much respect for their present Majesties as the last Parliament had. They proceeded so far as to move the Revenue to be settled for their Lives.

*Sir John Guise.]* Upon a supposition of what was done last Session, I would have your Books searched before you go on. I find this King and Queen extremely beholden to some people that would settle the Revenue for Lives—In the King's Speech there is such a Proposition, that, if we can find no other way, the Revenue then is to be a Fund. I should think the Revenue a very ordinary present to the King, so incumbered, by advices from other persons, not from hence. I would take time to present the King with a free Gift, and worthy of him to receive—Then your business is to support the War—Do you intend this shall be out of the Revenue? If they intend no other Supply than the Revenue, for the present, or any other, let them speak. I have heard, that they who lend Money, love to have it in their power once in six months. I would not dispose of the Revenue farther than becomes a prudent man, who may answer it to his Country. 'Tis said, "Put no distrust on the King;" but I would not have all ill management laid on the King, which ought to be laid on the Ministers. Here have been particular grumblings against persons ill management; and since, now the Revenue is in your hands, you cannot know these persons, how will you know them that have done amiss, when the Revenue

venue is out of your hands? I think it ought not to reflect on any particular Prince, when others have the keeping of his ears. I would have a Fund of Credit for four Years. and no longer.

Col. *Austen.*] There has been so much said, that I have the less to say. I am against the Question, for the King and Queen's sake. I am against granting the Revenue for Lives, for what the King (that now is) has declared in his Declaration, when Prince. One of his businesses was, to secure us, that no Successor be able to bring us again into our misfortunes. The great mischief being the Revenue for Lives, you will never do good in an ill Prince's time—I am sure you will never tell him, that he is an ill one. A Parliament will secure you from other ill persons, as well as ill Kings; I mean, the Ministers. Granting it for Life will prevent any ill Ministers from being called in question, and you can never reach them. I hope the King will be as rich at the end of this time four Years, as if he had the Revenue for Life.

Sir *Joseph Williamson.*] It will certainly be for the King's service, that people may see themselves out of fear of not meeting the King frequently in Parliament. In the close, I shall agree that the remaining part of the Excise be settled for Life. The necessary Expences of the Crown must be supported, or else we fall—You will not at all be alarmed with the defect of a Parliament—That is the thing; the King's necessity will bring the King to the People, and the People to the King—I will only add this, besides growing extraordinary unforeseen accidents, though I hope we shall be soon out of this costly War. You were told yesterday, "That the Revenue was clogged, and can bear nothing;"—and what you must now give will still necessitate Parliaments—As, on the one hand, I would not give all for Life, so I am for a reasonable security.—If half the Excise be for Life, there will remain still a Fund for Credit, and yet be secured from the common fear of wants of Parliament.

Mr Sacheverell.] Before this Question be put, of Lives, I desire a little satisfaction, whether you intend to have any Fund of Credit, if you take away all indubitable security? What Fund can you have in the Customs in time of War? They that had no regard to the last Parliament, will have as little regard to you, when you are gone. You have settled the hereditary Revenue; now, what Fund of Credit have you on contingency of the Customs? Plainly, will you have a Fund of Credit, or not? What can be borrowed on the Customs, suppose them 400,000 *l.* to this year and the next; what sum can you propound upon this Credit? Can any man believe they will lend? 400,000 *l.* is all you can borrow in a year, and scarce that; few will lend upon the utmost value. I know no way of certainty but to leave the King 600,000 *l.* an entire Fund of Credit to borrow upon. But if you leave the thing indefinite, you will have, I believe, little or no use of a Parliament for the future.

[Resolved, That it is the Opinion of this Committee, that the hereditary Revenues, which the late King *James II* was, the 10th day of December 1688 entitled to, became and are vested in their present Majesties, King *William* and Queen *Mary*, in right of the Crown of *England* except the late Revenue arising by Fire-Hearths and Stoves.

Resolved, That the House be moved for leave to bring in a Bill to declare, that the said Revenues are so vested; and that therein provision be made, that they shall not be aliened from the Crown, nor chargeable with any Gift or Grant to be made for the future.

Resolved, That the House be moved for leave to bring in a Bill for the settling that Moiety of the Excise, which was granted to the late King *Charles II*, and King *James II*, or either of them, for their Lives, upon their present Majesties King *William* and Queen *Mary*, for their Lives, and the Life of the longest liver of them; with a Clause to enable their Majesties to make the said Revenue a security for raising Money towards a Supply, not exceeding the Sum of \*\*\*\*\*.

Resolved, That the House be moved for leave to bring in a Bill to grant to their present Majesties King *William* and Queen

Queen *Mary*, for the term of four years, from *Christmas* next, the Customs which were granted to the late King *Charles II*, and King *James II*, for their Lives ; with a Clause to enable their Majesties to make the said Revenue a security for raising Money towards a Supply, not exceeding the sum of \*\*\*\*; Which were all agreed to by the House.]

[*March 29*, Omitted.]

*Monday, March 31.*

In a Grand Committee, on the Supply.

Sir *John Lowther*.] Part of your great Work is over. You have voted the Revenue to King *William* and Queen *Mary*, &c. I doubt not but to the satisfaction of all men, at least, good men. The next thing is to provide for your own Security. This is a great Task, a great Work. No Government can be supported, but within these Walls. I am sorry to tell you, that the King is at an extraordinary Charge, never felt before. I have known Civil Wars, and Wars in *Ireland*, but never with so potent a Prince as the *French* King. You have but part of *Ireland* in your hands, (*and then giving an Account of the Defects in the Customs, &c. towards the great Charge, concludes*) There can be no Army, but upon free Quarter, nor Ships, but in Harbour, if Money be not taken up.

After several had spoken to the Money given, and the mismanagement of it, and Motions had been made for enquiring into it,

Sir *Edward Seymour*.] If I thought your Enquiry would bring you to your end, I should be for it ; but I would rather close with the other Motion, of what is most necessary to be provided for. The stress of the Question lies, to give the Revenue for a Fund, and when given, no Security. If you begin with Enquiries after Mismanagements, and pass them over lightly, you establish them, and will never have a true one—Let us prevent them for the future. But when the Fleet is employed in every man's business but ours, no wonder that *Ireland* miscarry. Let us

know what Money remains of what was given the last Parliament, and give what comes short of that sum for present Supply.

*Sir John Guise.]* I must take it for granted, that, upon the Dissolution of the last Parliament, things were well weighed. What was wanting of the Sum before? When a way was found out to supply the King, to cut all that off at a stroke by a Prorogation! Who dares be the man, that will avow it?

*Sir Christopher Musgrave.]* I must believe, that what is requisite for carrying on the War has been weighed before we came hither. Was it not the intention, that granting the Revenue, and settling it, was a Supply? If nobody will give us an Account, either borrow what you can, or the House must order it, as in all your Bills you have borrowing Clauses—Will you leave it to the King at large to borrow, or limit such a Sum, not to exceed such a Sum? Suppose you give Credit “not to exceed 500,000 l.”

*Sir John Lowther.]* If the meaning be a power of borrowing 500,000 l. only, and no other Supply, I would ask that Member, whether he will answer that to his Country?—And, as it is uncertain whether it can be borrowed, how can he go into his Country, and the Army not paid, and the Fleet in Harbour? I dare not undertake it. I am in the King’s service, but have a fortune to support my condition. I can obey commands, but am not in a Post to give Counsel. Let the matter be how it will, if Religion and Laws will be safe, under such a Motion; I am mistaken, unless other Men have other Prospects than I have; and do not say but you are warned of the consequence.

*Col. Austen.]* We are come into necessity and pressure of times for Money. Is it the fault of the Commons of *England*? Were they the cause of that necessity? It will be found, that you have done your parts. The Advice was very bold, and things were taken care for somewhere else, to send the Parliament

down,

down. None tell us what will serve the King, and those near him yet do not tell us what is required.

Sir *Christopher Musgrave.*] I dare not love the name of “*Undertaker*,” so as to ruin my Nation. I know not what *Lowther* means by “*a Prospect* :” I have none but the support of Monarchy, and the Nation. We have settled the Revenue, and that was called “*Supply* !” I said, “*it ought to be at the peril of any body, that undertakes what to borrow.*”—The necessity is not from us—We have no Sums told us, and when we name them, we are reproached for it.

Sir *Thomas Lee.*] The farther consideration of Credit is come to 500,000*l.* and no more. I did not advise that the Revenue be charged, nor to run upon borrowing, but that every Year might defray the Charge. If it will not answer your end by security, it is as good as nothing at all. Still the King tells you, if no other way be to be found, then to charge the Revenue. If you go on with the War, and the whole be anticipated, you will make your Enemies far from having inclination to Peace. If there be not towards 500,000*l.* to pay off Seamen at *Michaelmas*, when they come up, you may possibly have 200,000*l.* more to pay. I believe, at the end of *September*, when they come in, 500,000*l.* will not pay Seamens wages. What I say is only a short hint to consider how things are.

Sir *Francis Blake.*] They prorogued us, and then dissolved us ; surely they knew where Money was to be had. It is so hot from the Mint, that it has dropped through our hats.

Sir *Henry Goodrick.*] It is unhappy, that we have looked so far into things, as to have lost ourselves in the Debate in reflections—The pressure is so great, that the Army and Ordnance, the Safety and Honour of the King’s Person, every thing that is dear to us, I fear, must be laid aside. Things have been fairly and candidly managed—I am an Accomptant for great Sums, and those about the King are willing to inform

form you—No man doubts the preservation of the Public, but the way we dispute of—It is extremely pressed in the House, as if some flight of hand was in the last Debate. There is nothing in the King's Speech, but what he will make good, as to the Revenue; but the Question is, as to the *Quantum*; so much as will bear the Charge, goes towards it, but you are told “it will come short”—It is a great and terrible Sum at first to name; “two Millions;” but if this be exclusive of all other things, the very Ordnance comes to that Sum. I do not verily know, that you cannot put the Ordnance into its ancient Course without 300,000*l.*—Do not let this preclude all other Supply.

Sir *John Guise.*] After having heard some Reflections on *Musgrave's* Motion, I am concerned for the Honour of the House; necessities you are brought to, and these not your own fault, and then to be asked, “Whether we can answer this to our Country?” But the Question I would ask, is, “How came the *French* to be landed in *Ireland*, and your Militia not settled in *England*? ” I cannot answer that—Whether you will fill up the Blanks, or put the Sum moved, is the Question?

Sir *John Lowther.*] I hope, that, in this, I am rather transported with zeal for my Country, than any particular Reflections on any body. If I did not misunderstand the Gentleman, he said, “he hoped we should not grant two Supplies in one Session”—I appeal, whether there is not a hazard of the security of the Nation by it? I know not that the Militia of the Kingdom is not settled, though I know not that it is settled; for Orders were sent down to have them in readiness. When I said, “*Musgrave* might have some other Prospect,” I meant, that it is impossible but that this Nation should be ruined, if this be not a Supply—

Sir *Thomas Clarges.*] These Accounts of the Revenue are a little puzzling. It is a hard matter to be clear

clear in it, in a Committee of the whole House (and so reckons up what has been given, &c. and what is in Arrear, &c.) Certainly there has been great Mismanagement, whether by unskilfulness of the Managers, or otherwise, which has some resemblance to a private family: I must live, and have meat, drink, and cloaths: I should follow that, and postpone all other occasions. The Fleet, Army, and Ordnance are Appendices—They should have minded those things in which all our safety is concerned, and have applied to that. (Perhaps it is so, but here are great outcries) I think that 20,000 men, considering our Alliance with *Holland*, are as many as we need. As to the greatest reckonings we can make, we know it was said 36,000 men, and now they say, “Thank God, we have 16,000.”—I have had the Honour to be in the Army, and have seen the establishment for 80,000 *l. per mensem*, for 40,000 Foot, and 10,000 Horse—God forbid we should cut the pattern too narrow! I would have all provided against. Enemies we have without, and Enemies within. I cannot tell what to advise, but I would have it proposed, what Sum will defend us till we meet again, and what they have towards it. Before we come to a Sum, let the Honourable Persons explain what condition we are in, and what is necessary now. It is the common talk of the Town, that the great occasion of these Diminutions is ill management—Men cannot know these things by inspiration—Land and Tide-Waiters brag what they can smuggle and cheat—Farmers were Managers, but after they had made up their own pack, they cared not what become of the rest. Formerly, great care was taken, that all the Offices of *England* were inspected—I am weary of finding fault—For the present, I move for what Sum shall be necessary, and what we can have towards this out of the Revenue.

Sir Richard Temple.] The Customs, in time of Peace, never rise to more than 600,000 *l. per annum*. *Mickaelmas* was greater than after; they heaped in great quantities

tities of Goods by prospect of a War. I believe they are not now 400,000 *l. per ann.*

[*Mr Paul Foley.*] It concerns us to give the King a Supply, but it concerns us as much not to give more than is necessary. We have strange Accounts of the Revenue (*and so reckons up the Account given in by Sir John Lowther*) I hope our case is not so bad as is represented, and that we are not at a loss for so much Money as is spoken of. Let us have a fair Account. The lowest Account amounts to more than what the Navy and Army [want]; but if not laid out upon the Army and Fleet, surely there is more reason to have things before us. I move, “That the House may be moved, that an Account be brought in of the Money, &c. and how disbursed.”

[To proceed the next day.]

*Tuesday, April 1.*

[In a Grand Committee, on the Supply.]

[*Mr Hampden.*] I hope this Day will end to the Satisfaction of every Gentleman. The great end of this Day, is the preservation of the Government, and keeping it from ruin. I having the honour to serve the King in his Revenue\*, it is from thence the Measures of the House are to be taken. If you do not supply the King, you will fall into the misfortune of Tradesmen, to shut up their shops, and to make what we have omitted amongst our Lamentations. There was a great Debate yesterday about Accounts, but this I will say, that it is the King’s desire, and all I have the honour to serve with, that you should know them. I have an Abstract of the Account, which I hope will give satisfaction. I have sent for all the Auditors—I wish you would take the Account I have, and I say it is a true Account, and will be justified; three fourths of it are ready to be justified by all the Vouchers, to *Christmas*; but take the Account your own way, and direct your way. A Man of better

\* As Chancellor of the Exchequer.

better understanding than I may not understand my trade, but it may be explained to him by the Officers, who shall attend upon any Gentlemen that please. Let it not run away, that the Money is mis-spent; 'tis not so embarrassed as Gentlemen have spoken of. Gentlemen say, "What should we give Money for, before we know how it shall be spent?" But the true intent is to satisfy; and, though you cannot take the Accounts now, do it at your leisure in recess of Parliament. Take them, and they shall be opened and explained to you. I blame nobody for making these objections; they do like good Stewards for their Country. If any Officer be to blame, let him be named. Whether Money has been well employed, or no, I cannot answer that; but let not that be an objection. Name any body to enquire into the ill usage; but, as for the great charge of military Affairs, I know nothing of that; but if you think persons undermine the Government, and waste the Treasury, you are to give the King Counsel as well as Money. This way of communication is the way to end all differences and jealousies, amongst friends. I have ever had a great reverence for the House of Commons; so I have lived, and so I shall die, a faithful Commoner of *England*. But, after all, will you support the Government? I know you will support it. You have sent the King your Vote, and carried it solemnly; but, on the other side, if these objections be any thing, your Government will fall of itself: If you say, you will support it, do support it. If any objection of Mismanagement remain, remove them that have been faulty. If you let it lie in suspense, none of these objections will save the Government from falling. I humbly move, and desire all Gentlemen to consider, that, seeing the calamities that will attend the loss of the Government, which every Gentleman may figure to himself—What will it avail to say, that you are cozened, and, if you give more, you shall be cozened? But are you the better for saving your Money, if *Ireland* be lost, perhaps *England*

*land too? Popery, French, and Irish, to dwell among you, and govern you; and saving the Taxes will be but cold comfort at last, to say, "I have saved a hundred Pounds in Taxes, and perhaps my Estate will be sequestered, or worse; I must either renounce my Religion, or lose it."* What I aim at is this, that Money must be given, and speedily given, and by no way but by a Fund; and not any of the consequences, but you may prevent afterwards; else you will be too late, and have another distemper upon you to cure. When you go into a Committee, do it speedily; and, whatever Credit, give it a sound Credit. You will be here suddenly again, and may enquire into the management.

*Sir John Lowther.]* I doubt not but Gentlemen take into consideration the condition of their bleeding Country. Under Heaven, there can be no assistance but from this House. I would to God, Gentlemen would believe that some men intend sincerely, and tell you truth! As for the profits of my employment, they have not paid my House-rent, and I care not if they ever do more; and if my service be acceptable, I am more than over-rewarded. Gentlemen that have ventured their Lives and Estates, as I have done, upon a change, must suffer in the common calamity—There is no Money in the Treasury, except the appropriated Money—I know not of one Shilling in the Treasury. Upon stating your Expences as near as I can, I freely own the Establishment is greater than the Nation can bear. This unhappiness might have been prevented by the last House of Commons, if you had represented that the Nation could not bear the Establishment. I presume we did not think it so, and would have supplied it. I am of opinion, that it is too great an Expence; but I believe no Gentleman has retrenched one dish at his table, or one servant in his family. (*Then he gave an account of the Charge of the Navy.*) So formidable a Sum is needful, that I dare not mention it; but I hope Gentlemen will be so kind, in their Advice, as to direct us in the retrenching, that

that they may approve of it when you meet next. Deductions must be allowed for all things, as Deserters, false Musters, &c. and I will hope that Forfeitures may do a great deal in *Ireland*; and the Fleet is not paid till they come home; but, in the mean time, Stores must be supplied. I hope Gentlemen, therefore, will assist in the retrenchments. I believe, in any Country, they would first consider what must be necessary for their own preservation—In my poor opinion, I think it impossible to carry on the War without 1,500,000*l.* before *Michaelmas*.

Col. *Granville*.] I have ever thought that Money-Motions came best from rich mouths. The dangers have been well stated, and if they had not, they would have spoken for themselves; and I hope this wise Assembly will get out of them, as well as enquire how they came into them. If there are any discontents, let us know what they are angry with, and with whom, and not complain in generals. I move, “That we may farther supply the King with Credit.”

Sir *John Thompson*.] I look upon it, that, in the last year’s proceedings, the Parliament did believe themselves ill used in the management. They were drawing an Address to the King; and when they had given their Money, they were sent away; and so may this. As to what is said by *Lowther*, “Why did we not complain the last Parliament?” There was Complaint; and the Lists did not appear to be 50,000 Men; and for them was computed 1,400,000*l.* Now it comes in 1,500,000*l.* It is strange it should be so vast a Debt, when we have supplied all that was demanded! That, with the Revenue, makes three Millions. All the Navy did not go out in a day; that, and the other things, will make a considerable Deduction. We shall never come to a right state of things, till we know what Forces we have; for still, the more you give, the more you are in debt: And I would ask those who tell you, “That half *Ireland* is lost, and *England* may be too,” why was not *Ireland* secured first?

Sir

*Sir Robert Cotton.]* No Gentleman here but is sensible of the Treasure given, and the little effects of it. 'Tis reason to consider, not what we might have been, but what we are. The only Question before you is, to consider how this Supply may be raised, and what Fund; therefore, first consider the State of the Revenue, and what may be laid upon it for a Fund.

*Col. Austen.]* I think two things are under consideration; Supply, and, which is as necessary, that it go to right purposes. If under management of those who have led you out of the way, what probable reason can be given? If there be necessity, there is as great necessity to see it well employed. I would not ask account of actions last Year, but I wish we might have a prospect how they will be managed better.

*Mr Comptroller Wharton.]* Every body here, I believe, has the same zeal to serve the King, and the Government. I move, that you will hold us to one Question, "What is necessary to carry on the War?" I could not know what to move, but from a Gentleman (*Lowther*) whose calculation I believe to be true. I confess, it is a great Sum proposed, and, since it must be raised, 1,500,000*l.* has been named, it has not been seconded, but I do. It is a great Sum I must confess, but I know not how it can be less.

*Sir Christopher Musgrave.]* You state that right which was named; but I will put you in mind, that there was a Sum named under the Gallery, 700,000*l.* and, by Order, the least Sum is to be put first. I would gladly know, when you have voted it, how it must be raised? I know no other way but by the Revenue, or Land-Tax. Land is already charged till *Christmas*. If you charge it with a Million more, how long will that be, and we expect at *Michaelmas* another Debt, and you will be put to new Methods of raising, *viz.* by Home Excise. You are told, and I find it is taken for granted, "That the Expence of the War is greater than the Nation can bear." I know it is not seasonable now to take notice of Mismanagement, by

by an Address ; but, if you take no notice at all, you confirm what was omitted the last Parliament. Do you intend that Artificers shall have Assignments for their Debts, and pay seven *per cent.* Interest ? And then consider how Interest eats out ; and, besides, by great Rates for Wares ; and in this Method, who knows how to support the Government ? Therefore, before you grant the Money, consider the Ways of raising it.

*Sir Joseph Williamson.]* The Gentleman under the Gallery, speaking of the Revenue, seemed to say, “ That the Revenue might bear it ; ” but made no direct Motion. 1,400,000 *l.*, after so much Money given, is a great Sum ; but, whatever the Sum, it is to make all the rest good, our Religion and Properties, &c. Far be it from us to think that Sum will undo us. He that you have to do with, will be brought to reason sooner by this House, than by all the Money you can raise. This is a great Sum, and 'tis hard to lay it, yet it is not impossible. If that of the Revenue had been a little better opened, you might have gone on more easily : I must give all my help to that Question moved. Perhaps I should not refuse to give my consent to this ; but it has been scarce seen that so much Expence has brought so little Honour and Advantage to the Nation. I look back with astonishment ! I have served near the Throne, where there have been cross byasses in Affairs ; but when we have a Prince who will think it for his service to enquire into Managements, I hope they will be put in such a way that we shall not do it again. Put the Enquiry into some way, and when you come back, go through it. As to my way of absolving myself in my own duty, I shall give my Affirmative to the Question of 700,000 *l.*.

*Mr Ettrick.]* I would give what will do the work ; If not done this year, it will not be the next. I propose 1,200,000 *l.*

*Sir John Guise.]* We see the word “ towards ” is come to something more. You are now come to a Sum

of Money proposed—I speak plainly—if there be any Gentleman who has denied to-day, that things have been driven to a necessity, I'll tell you from whence this Grievance does proceed; that people do not own the Counsels they have given; the visible part of the Privy Council. Is any about the King that had a hand in the Charters?—If by that way our misfortunes have come, it ought to be rectified. In Queen *Elizabeth's* time, no man was ashamed to own his own Counsels; She had the Privy Council's advice and consent in all things; and if we give to supply what Mismanagements have cost us, we do our duty to our Country.

Sir *William Leveson Gower.*] I hope we shall not only empty their Pockets that have cheated us, but squeeze their Veins of their Blood, for the ill things they have done. I move for the greatest Sum, 1,400,000*l.*, which, I think, is the greatest security.

Sir *John Thompson.*] A Million is as much as you can raise, give what you will; therefore I move for it.

Sir *Thomas Lee.*] I agree with the Gentleman that moved for a Million; but I would be satisfied how it can answer the occasion; that is all the difficulty with me. Land is already taxed largely. Don't give less, that you may live upon Credit. I would not have the whole security of *England* be at the pleasure of a few men, whom you borrow from. The Army is to be paid monthly, and that will take up all the first Money: The poor Seamen will be unpaid. Parliaments do not desire to come much before *Michaelmas*.

The Committee divided, and “the Million” passed in the Negative.

[*Resolved*, That it is the Opinion of this Committee, that a Sum, not exceeding 1,200,000*l.*, be the Supply to be given to their Majesties, for the public Occasions, between this and *Michaelmas*, in prosecuting the War against *France*, and reducing of *Ireland* with speed and vigour: Which was agreed to by the House.]

*Wednesday,*

Wednesday, April 2.

[On the Supply.]

*Sir William Strickland.*] Moves for Instructions to the Committees, "That the Supply be not raised upon Land-Tax.

*Col. Austen, on Mr Hampden's setting forth the Necessity of Supply.*] You have now two Necessities, Money and Land; and give me leave to offer a third, the People's living. He that does not faithfully advise the King, is not a good Subject.

*Sir Henry Goodrick.*] I am of Opinion, and do not doubt, but what has been said is true. All new Experiments are uncertain. This only I desire, before we enter into a hasty Resolution, to propose some Ways to raise this Money. The Gentleman that moved it, I believe, can tell you Ways; therefore I beseech you, at least, to weigh this, and not, by a Vote, to expose the Nation to Ruin. Before you put such a Question, pray let us debate it.

*Sir Thomas Lee.*] I take it, the Debate is upon "Instructions to the Committee, that no part of the Supply shall be upon Land." I think it irregular in the House; but, if moved at the Committee, it will be as strong as in the House. In the House you are confined to Debate, not as in a Committee. I remember, in the Long Parliament, a great Sum was to be raised, and Home-Excise was proposed; those against Land-Tax would have had a Negative—You have so much Money to raise; you have said you will do it, I know no way considerable but Home-Excise. I assure you, I am not for Land-Tax, which is absolutely destructive to you. You must keep yourselves in a condition to raise it upon Land hereafter. I am neither for a Land-Tax, nor a twelve penny Subsidy. I speak plainly; if you bring this course of a Negative into Parliament, the practice will be extremely inconvenient.

*Sir Henry Goodrick.*] I have declared myself all along; I will deal fairly: I think the Revenue ought to bear a great share of this; but to lay a Negative upon

Land, Customs, or Excise, there is an equal Latitude upon all these to put a Negative. You were told of "Three Necessities" from the Bar; perhaps the same Necessity may be on other Things; and, at last, Necessity upon Nothing. If this pass once in the Negative, you lay such a baffle upon the Committee, that they cannot get through it.

*Sir Thomas Littleton.]* I am sorry we are fallen into Methods of not raising the Money; when we come to the Committee, I believe the most practicable and most likely way will be found. I am, in my judgment, against Land-Tax, and yet against this Question. I would have the easiest way to the People, the most eligible way to us, and the most satisfactory to the King. Suppose another man proposes another thing, not a general Excise, and so no end of Negatives.

*Mr Sollicitor Somers.]* The business of Parliament is best done, by preserving Methods of Parliament. Departing from what is always considered of, at a Committee, may be very prejudicial; the variety of Opinions you have heard, requires Debate. That being the Case, and Method of Parliament, pray leave the Chair.

*Sir John Guise.]* Suppose you should lay this Tax upon Land, you know not the success of the War, and would you have no resort to make new recruit of Money? Can you answer this to your Country? It looks to me as an extremity, the utmost shock, and the way to bring in King James, if you go first to the *dernier resort*.

*Sir Robert Cotton.]* Nothing but great Necessity yesterday brought us to vote so great a Sum of Money, but have a care lest we put ourselves on greater Necessity. We have an Army in *England*, as well as in *Ireland*, and I know not whether we are safe without such a Guard, and Home-Excise to maintain that Army. These things, so natural, we may expect may follow. I doubt not but the Kingdom of *England* may raise Money without burdening Land.

I hope

I hope Gentlemen are so disposed, as not to be willing to bring the Nation into necessity of such fatal consequences. Pray put the Question. Let us keep *England*, whatever becomes of *Ireland*.

*Sir Robert Rich.*] I was yesterday for the least Sum. Whatever my Opinion was yesterday, I will tell it you to-day, and I fear none to-morrow. You have been upon a long Debate, upon a Negative upon Land-Tax. I would willingly go into a Committee freely, but I own I am against all Home-Excises.

*Mr Foley.*] If a Land-Tax commence not till after *Christmas*, how must the King have any security to take up Money for the present Occasion? It is no such strange thing to put Negatives.—

*Mr Swynfin.*] As to the Arguments against Land-Tax, I have been here the best part of twenty Years, and all the Projects would never do. The way of our Ancestors has always been upon Land, and they abhorred Excise, and all other Projects. I wish we prove wiser than they. We had a War with the *Dutch*, as now we have with the *French*, and it was carried on no other way but by Land-Tax. I am not for saving our Lands to enslave our Persons by Excise. You have pitched upon a Fund, and must have a security to raise it. If there should be a Miscarriage in *Ireland*, it will be laid upon the House by the Managers of that War. Let them have no pretence to lay the blame upon this House. I would fain see the Tax laid upon something less vexatious, and that will not, in the end, come upon Land. If you find other proposals less grievous to the People, you will deal best with yourselves, and the business is to leave it to the Committee.

*Mr Harcourt\*.*] If you give the Tax on Land

\* Son of Sir *Philip Harcourt*, and afterwards distinguished by his eminence at the Bar. In the year 1702, he was appointed Sollicitor-General, and in 1707, Attorney-General to Queen *Anne*, which Office he quitted by a voluntary surrender a few months after, but was recalled to it in 1710; and was the same year made Lord Keeper of the Great Seal, and created Lord *Harcourt*. In 1712, he was declared Lord Chancellor, and in 1721, he was created a Viscount. He died in 1727, and was grandfather to the present Earl.

now, I fear you will lose as many Men as you give Pounds. The goodness of the Prince, and his greatness too, is shown by the easiness of the Government.

[*Resolved*, That it be an Instruction to the Committee, That the Supply to be given to their Majesties be not laid upon Land, without leave from the House.]

In a Grand Committee,

Sir *Edward Seymour.*] (In Answer to Mr *Harbord*) I cannot but take notice, that we are come into an extraordinary method of Argument. The only Answer to it is, "If those without doors had done their parts as well as they within, these Miscarriages had never been." I was one of those for the lesser Sum, as it might have been raised out of the Revenue. The King's Resolution for going into *Ireland* was taken before any thought of enabling him, in Parliament, in all respects that would enable him to do it. Some Gentlemen tell us, "The Revenue will not prove sufficient security, because those without doors dare not lend upon it." But pray tell me, if I ask those without doors, will they not tell me, the Land is charged already? The affections of the People are not to be hazarded. People, I see, already mention "the goodness of their Princes, and their greatness too, by the easiness of their Government\*." We are to secure ourselves from the whole, Popery, *Ireland*, and the *French* King. I could have been glad that your Sums might come up to the whole Revenue, but, with that caution, if it does not secure it, to make it good when you come again. All I drive at, is, to go on with such a consideration, in what we give, as not to lose what we have already given by Land-Tax. Those persons that serve you in Commodities, will think themselves better secured by the Revenue in the Exchequer, that every one in his Order is duly paid. I think it not intended to put this Money for *Ireland* in the

\* See Mr *Harcourt's* Speech above.

King's pocket; so give the best Funds and Security known by experience. I would not take care, whether the Officers can bear it in the Civil List; they ought to pay their part: Though *Lowther* tells you, "He has not got to pay his House-Rent." If People pay as much as they are worth, they will think themselves as easy under any Government as this—And when you return at *Michaelmas*, then do it with what you think fit; and now charge the Revenue.

Mr *Godolphin*\*.] It seems to be the general disposition of the House, that the Revenue be a Fund. The Question is the *Quantum*, how much the Revenue is a Fund for. You voted, the last Parliament, two Millions, with the Revenue, for carrying on the War; which came short. Therefore I hope 1,400,000*l.* besides the Revenue—Fill up the Temporary Excise not exceeding 300,000*l.*

Sir *Joseph Williamson*.] If your meaning be to lay it upon the hereditary Part of the Revenue, in this extremity, if there be an ease from the Court, they will do their part—if there be Assignments already, you must explain that; what can be raised for this half Year not yet charged; whatever remains free and not assigned. But Men must not be put out of the power of their Money for a Year.

[*Resolved*, That it is the Opinion of this Committee, that, towards the Supply to be given to their Majesties for prosecuting the War against *France*, and for reducing of *Ireland*, with speed and vigour, his Majesty be enabled, by a Clause in the Bill, or Bills, for settling the Revenue, to raise a Credit for the Sum of One Million, upon the Revenue: Which was agreed to by the House, with the Amendment of "Ten hundred thousand Pounds," instead of "One Million."]

*Thursday, April 3.*

In a Grand Committee, [On the Supply.]

Col. *Birch*.] I cannot easily swallow how we are

\* Youngest brother to Lord *Godolphin*, and one of the Commissioners of the Customs. He died in 1720.

brought into this necessity of Money. I shall touch it very tenderly. Here is another Year lost ; but let us do what we can. Last Year, by God's blessing, with Hay and Oats, you might have done your Work. But it is more reasonable to provide the Money, than talk of things now ; and nothing was so unseasonable as the Prorogation of the last Parliament ; that undid your business, and not only lost opportunity, but set you a Year backward. I am not only for the Money, but to have it ready Money. You might have done it in a seasonable time, and now you might do it in an unseasonable ; you will find it on your Books the last Session proposed, " Every Ale-House to pay 10 s. and Brandy-Cellar 20 s." Let it be read ; it is in lieu of a Licence from the Justice, and I appeal, if the poorest will leave off the Trade for it ? Not five in *England* will. It is now the time of Year for Licensing ; this will signify little to the People ; and pray entertain no more Motions till this be off your hands.

Sir *Charles Sedley*\*.] We stand as if we had one Foot in one Boat, and another in another. Let us serve them in *Ireland* as they have served us, and worse, if you will. I would not put the present service upon dispute, or contingency ; but, however, seize their Lands here, that they may no longer go into *Ireland* to support the War.

Mr *Harbord*.] *Oliver* took other steps to reduce *Ireland* than we ; he followed the advice given him, in the confiscation of Estates, of the Estates of all against him ; which saved him a great Sum. It will not only ease this Nation, but people *Ireland* with *English*. In the two last Kings reigns, there were as much pains taken to destroy the Protestant Interest, as in *Oliver's* time to support it. You will not only have the advan-

\* One of the most remarkable Wits of King *Charles II's* Reign, and father to the Countess of *Dorchester*, who was Mistress to King *James II*, which occasioned him, after voting for the Prince of *Orange's* succeed-

ing to the Crown, at the Revolution, merrily to say, " That, in return for King *James's* having made his Daughter a Countess, he had given his Vote to make his Daughter a Queen."

tage to the payment of the Officers, but raise considerable Sums. They have wholly divorced themselves from the Kingdom of *England*, and taken away the Act of Settlement relating to *Ireland*, both Settlement and Dependence, and I would have them attainted.

[*Resolved*, That it is the Opinion of this Committee, that, for the raising of the Sum of 200,000*l.* being the residue of the 1,200,000*l.* to be given to their Majesties, the House be moved for leave to bring in a Bill for a Poll: Which, being reported to the House, was agreed to, and Bill was ordered to be brought in accordingly\*.]

[*April 4, 5, and 7, Omitted.*]

*Tuesday, April 8.*

On reversing the Judgment in a *Quo Warranto* against the City of *London* †.

*Sir Edward Seymour.*] You have been moved by the Members for *London* to reverse what is not, and to restore

\* The Heads of this Bill (which were agreed upon and reported the next day) were the same with that which passed in 1677, (which see Vol. V. p. 201.) with these additions: “ All Annuities and Rent-charges were taxed; all sharers in the *New-River* water, in respect of their shares; all Fee-Farm Rents now paid, and not otherwise charged; all Members of the *Hudson’s Bay Company*, for their share in the joint stock of that Company; and all the younger sons of Dukes, Marquesses, Earls, Viscounts, and Barons.”

† The violence and injustice with which the Election of Sheriffs (in 1682) was carried by the Court, showed that they were resolved, by fair or foul means, to have the Government of the City in their own hands. But, because they would not be at this trouble, nor run this hazard every year, it was resolved, that the Charter of the City must either be given up, or be adjudged

to the King. The former was much the easier way; so great pains were taken to manage the next Election of the Common Council, so as that they might be tractable in this point—But after all the practices of the Court, in the returns of the Common Council of the City, they could not bring it near an equality for delivering up their Charter. The Court, finding that the City of *London* could not be wrought on to surrender their Charter, resolved to have it condemned, by a judgment in the *King’s Bench*. *Jones* had died in *May*; so now *Pollezzen* and *Treby* were chiefly relied on by the City in this matter. *Sawyer* was the Attorney-General, a dull hot man, and he undertook, by the advice of *Saunders*, a learned but a very immoral man, to overthrow the Charter. The two points upon which they rested the Cause were, “ That the Common Council had petitioned the King, upon a Prorogation of Parliament, that it might meet on the

restore what they have. I apprehend, you ought to remove a doubt first, what are their Privileges, and not leave it to the Judgment of this or that learned Serjeant: Trace it to its original. I have heard no man say, that the Crown has not a Right to a *Quo Warranto*—If so, there may be Judgments, and not to be reversed but by a superior Power. What signifies any man's telling you it is no Judgment; and therefore there is no room to scruple whether reverse, or no?—If you reverse it, then leave them in the same Right they had before. They have acted by another Power, by a Commission; I will not say, whether legal or no; but you are told by an honourable person (*Hampden*) "That something has been done by the City of *London*, which he does not approve." If both old and new were put

the day to which it was prorogued, and had taxed the Prorogation as that which had occasioned a delay of Justice." This was construed to be the raising Sedition, and the possessing the People with an ill opinion of the King and his Government. The other point was, "That the City had imposed new Taxes on their Wharfs and Markets; which was an invasion of the Liberty of the Subject, and contrary to Law.—"

After long Pleadings, on both sides, when the matter was brought near Judgment, *Saunders*, who had laid the whole thing, was made Chief Justice; *Pemberton*, who was not satisfied in the point, being removed to the *Common Pleas*, upon *North's* advancement. *Dolben*, a Judge of the *King's-Bench*, was found not to be clear; so he was turned out, and *Wythens* came in his room. When Sentence was to be given, *Saunders* was struck with an apoplexy; so he could not come into Court; but he sent his Judgment in writing, and died a few days after. The Sentence, which was given without the solemnity that was usual on great occasions, was,

"That a City might forfeit its Charter; that the Malversations of the Common Council were the Acts of the whole City; and that the two points set forth in the Pleadings were just grounds for the forfeiting of a Charter." Upon which Premises, the proper conclusion seemed to be, "That therefore the City of *London* had forfeited their Charter;" But the consequences of that were so much apprehended, that they did not think fit to venture on it! So they judged, "That the King might seize the Liberties of the City."—Upon this, the King sent a new Message to the City of *London*, requiring the Common Council to deliver up their Charter, threatening them, that, otherwise, he would order the Judgment to be entered; and, upon their refusal, the Judgment was entered, and the King seized on their Liberties. Many of the Aldermen, and other Officers, were turned out, and others were put in their places. So they continued, for some time, a City without a Charter, or a Common Council; and the King named the Magistrates. *Burnet*.

Out,

out, and better put in, it would be more for their advantage.

Mr *Hampden.*] I did say, "That some things had been done in the City of *London*, which I could wish had not been done." I do not like every thing that has been done in the City of *London*; but I would be repeated when things are fresh in memory.

Mr *Solicitor Somers.*] A void Judgment may be given, as well as an erroneous Judgment. I will never give my consent to countenance such illegal and cursed Judgments, to bring in Popery and Arbitrary Power.

Sir *Thomas Lee.*] I am for the first part of the Question, because I would have it sufficiently damned. I would have the Judgment reversed and voided from the beginning, and so understood and expressed too; else it will be from the first day of the Parliament only. I shall never give countenance to any, to thrust themselves into Offices to pack Juries—They may crowd in the Water-Bailiffs, and Markets, if you divide not the Question.

Sir *Edward Seymour.*] I presume, no man doubts but that *Hampden* can form a Question (reflecting) to the advantage of the thing he proposes; we have every day's experience of it. I did not expect to have had this Question so laboured; truly, I did not. I love not artifices without doors; but I hear of a Bill already framed by Members of the City, (not your Members to be trusted with it,) to make the City a Commonwealth; and, Ordered by the Common-Council, "That in case their own Members shall not move the Parliament, then the Mayor and Aldermen to deliver it to others; and the Bill prepared by their Committee shall be presented; and if not, some other Members of Parliament are to do it." Thus you see what work is cut out for you, that even in the work they have cut out they dare not trust their own Members. The Bill makes the City independent from Monarchy. I have not seen the Bill; but those that have, inform me of this;

this ; and 'tis shrewdly to be suspected, when they dare not trust their own Members.

*Sir John Lowther.]* I hope this House will not be prevailed upon to have an ill Opinion of the City of *London*, upon common hearlays. If ever such a Bill be brought in, I believe it will be thrown out with indignation. I hope never to see a Common-wealth established here. You have already passed a Vote, that "Rewards" shall stand in the Question.

*Mr Powle, Master of the Rolls.]* You are engaged in a dispute on the Words of the Question. I take it to be a ground, that this Judgment against the City-Charter be declared void. If a Court give a Judgment illegal and erroneous, 'tis good till it be reversed ; but when the Court has no Jurisdiction, 'tis void in itself : I take it with that distinction. I take this to be a void Judgment, and that the Court had no Jurisdiction, because it intrenches upon the Jurisdiction of this House. The Judgment was a dissolving and annihilating the Corporation of *London*. Those bodies dissolved, of what shall this House consist ?—Dissolve old ones, and send new ones, as you please—If it be admitted, that this Judgment was ever good, it shall bind as long as it is not reversed. This strikes at the root and foundation of the Government ; therefore we can do no better than declare, that the Court had no Jurisdiction. The words, " To restore the Rights and Privileges, &c." carry as much force as " reversed ;" which pre-supposes, that the Judgment had some validity, as being from a legal Court.

*Sir Christopher Musgrave.]* I am against those words, because it is for Instructions to draw the Bill. If you make this one entire Question of Rights and Privileges, and reversing the Judgment, you may give them more than you intended they should have before the *Quo Warranto*.

*Mr Powle explains upon Temple.]* No man can deny but that the *King's-Bench* have Privilege to judge a

*Quo*

*Quo Warranto*; but I put a difference, whether a *Quo Warranto* lies against a Corporation to dissolve it.

*Resolved*, That leave be given to bring in a Bill to reverse the Judgment in a *Quo Warranto* against the City of *London*, as arbitrary and illegal; and thereby to restore the City of *London* to its ancient Privileges: And a Committee was appointed to prepare and bring it in.

*Wednesday, April 9.*

An ingrossed Bill, from the Lords, for recognizing King *William* and Queen *Mary*, and for avoiding all Questions touching the Acts made in the Parliament assembled at *Westminster* the 13th of *February*, 1688, was read the second time.

*Lord Falkland.*] I am as much for the interest of this Bill as any body, but not for so hasty proceeding as is moved, “to read it a third time now.” There have been great Debates in the Lords House about this Bill: Statutes and Laws are mentioned in it. I would have them read. When that is done, I would go into a Committee of the whole House.

*Sir Thomas Clarges.*] I would observe the same words you did in the Abdication, when you did present the Address to the King and Queen, to take the Crown and Dignity upon them; and I do concur and consent, that they “are” so by the Laws of the Land, consonant to all Laws practised in this Nation; but that they “were,” and “are”—“Were” they before they “were in being?” I think it worth the consideration of this House—The nearest to this was the Convention, 12 *Charles II.* An Act was for confirming those Acts, with this Clause, “That, nevertheless, the King might prorogue that Parliament; for, if the People may assemble a Parliament, the King cannot dissolve it;” therefore that Clause was put in, that the King might prorogue it, &c. We sit not here from the last Convention, but by Oaths framed from the original Contract, by which the King and Queen took the Government upon them. Here are Acts for Money; I care

care not how soon they are confirmed, nor that of Ease to Dissenters. I would give them all the Authority that may be; but I cannot declare, "That they are and were King and Queen, &c." Therefore I move, that you will go into a Committee.

*Sir Henry Goodrick.]* 'Till an Objection be made against the Bill, you are not to go into a Committee; but when we come to a point to consider that Objection, that of the Recognition is the first part. 'Tis agreed by all, that we are bound in conscience to recognize the King and Queen. The next, why those Laws made, are not Laws? That they "were" and "are," must be taken from *February 25*. If that be matter of Dispute, it will involve us in great hardships. What are the Laws that men cannot come up to? The Act for Money, or the Act for Ease to tender Consciences? Is it for those Bishops that will not come up to the Government, and take the Oaths? If you vary that, or make that a Scruple, whither will you launch? If you make a Doubt of what you have done, if they were good Laws, and not good Laws, where will that Distinction end? If any thing in the Bill struck at the Fundamentals of the Government, you might debate it. We ought all to lay hands to the Government: 'Tis not the noise in the Lords House that should weigh with us, but we should think of the preservation of the Government, and our own safeties; which cannot be without this Bill.

*Sir Thomas Clarges.]* I desire to explain myself: I did not except against the particulars of the Bill: I can come up to confirming all the Laws; but, I think, to say, they "were" and "are," not proper for a Bill.

*Mr Palmes.]* Gentlemen that have made Objections, I think, have not begun at the right end. You recognize, that the King and Queen "were" and "are," &c. Will you have it in those general words? I would have it qualified from the time, some time limited.

*Sir John Lowther.]* Perhaps I am one of those that wish this Bill had never been brought in. I am satisfied with what

what the last Parliament did : I acquiesce in their Authority, as the whole Nation has done. I hope none will call the Right of the King and Queen in question. As here, so elsewhere, Disputes ought to be avoided. I never knew, but distinctions occasioned disputes. I think “were” and “are,” must relate to the time the King and Queen received their Royal Sanction, and were King and Queen from the time they accepted the Crown. The last Parliament had power to alter the old Laws, and substituted new Oaths instead of the old. This being so, I cannot imagine that this should be a dispute. We have the consent of the People to remove all disputes and difficulties. In the 1st of *Henry IV*, there were Laws enacted, and in force to this day, though they had not all the formalities of Laws. I move that you will not go to particular distinctions. The Words are plain, and all would submit to the true intent of the Bill, and I move for a third reading to-morrow.

*Sir Robert Sawyer.]* For the Reason given, I am for committing the Bill. I did recognize the King and Queen, and for ever shall do so. But as for such general Laws as this—The Council of *Trent* made Canons that every one might make his construction of—It ought to have some Words of reference—The Law of Conquest is the Law of all Nations. First, these are the Words of the Crown’s Settlement, and then of Recognition, though those are the same Words. “Interest vested in the King and Queen” are Legal Words, and therefore I would have it in such Words as are limited by that Act. The Judges must judge according to the Laws of the Land. If you make no Limitation of the Crown, it is in the King for ever ; it is therefore proper and fit ; and, I believe, no man, that has taken the Oaths, but acknowledges the Government, and I would have it in the Words of the late Act of Rights.

*Mr Harcourt.]* I have some doubt that these Words may destroy those in the Bill of Rights. I have ever thought

thought the Monarchy hereditary ; and by this, what becomes of your Entail ? I am not satisfied that those of 1660 were Acts of Parliament ; they needed confirmation. These are my doubts, that at present I am under. I second the Motion for Commitment of the Bill.

*Sir Thomas Littleton.]* I am for reading the Bill to-morrow, notwithstanding what I have heard to the contrary, plainly, that we may be satisfied, that the last Parliament was a Legal one ; and I stand by it, and declare it so. I am not for confirmation of it, for that strongly implies that it was not so before. If you express it no farther than the Act mentioned, you raise a doubt whether that was an Act or no. I would not raise more scruples than necessary. Pray read it to-morrow morning.

*Sir Joseph Tredenham.]* Without taking the Tests in the Act, no man can sit here. The word excepted against is, “were”—I say again, that nothing ever was, but what had a beginning. I speak of sublunary things. I should be loth to give occasion in the next age, to be still in doubt by an ambiguous word. I am for confirming most Acts of the last Parliament, but the Grammar of the expression I understand not ; to enact a thing that “was.”

*Mr Hampden.]* You have had several Motions to go into a Committee, grounded regularly upon Exceptions, or pretended Exceptions. The first Question is, Whether the Bill shall be committed, or not ? The next Question is, Whether it shall be read a third time ? I see, all Gentlemen intend the Bill should take effect, except one, that questions, whether those were Acts, or no, in the last Parliament. I cannot comprehend how this is against Grammar, “ Were and are King and Queen of *England* ;” where is the hurt, when they were before the last Parliament ? Will you say that those, before this Parliament met, were not Laws from the time that the Parliament met, unless they were excepted in another Act to the contrary ? I say, they were

Were Laws, and if it pass, as moved, a great many distinctions must be in this Act. I see not what reason there is for committing it. It may occasion great Debates. All you agree is, that they "have been" so, as well as "are so." If you go into a Committee, time will be spent, and if the King resolves to go into *Ireland*, before this Bill pass, and leave it upon the Table, I should be very loth to leave things so.

Mr Comptroller *Wharton.*] If we sit to hear all the Objections that Lawyers will make, we may sit till King *James* comes in again. You do not stand by your Government, if you declare it not as in the Bill, and if your last Laws were none, you are no Parliament, and it is no Government.

Sir *Christopher Musgrave.*] It is no Reason against the Commitment, "Because it may occasion Debate;" it is the natural Reason for Commitment, and for that Reason it ought to be. I would not only have it clear to my own understanding, but to those without doors. I see no reason why these words "were" and "are," should be in the Bill. I should be unwilling to leave it to *Westminster-Hall* to explain it. I know not what the Lords mean by "were" and "are." I am for explaining it. It is far from my thoughts not to have the Laws of the last Parliament confirmed. By the same reason, they may question how you came to be a Parliament. We ought to make it so clear, as without doors to make a reasonable Answer to a Question. Says a Gentleman, "I would not explain it, because it may occasion Debate at a Committee;" and for that Reason I would commit it.

Mr Sollicitor *Somers.*] I have observed the Objections as well as I can. If there be no weight in the Objections, there is no Reason that the Bill should be committed. It is said, "Enacting that they were Laws, seems not a proper expression." In Legislative capacity, "enacting" is declaring "it was." It is said, by a Person, "That he agreed to the first part, because

agreeable to the Bill of Rights"—You are told by a Gentleman, "That he is willing to confirm all the last Parliament did." If the Laws of the last Parliament want confirmation, it is impossible for you to give it. The validity of what they did, depends upon the validity of this Parliament; and if so, it is impossible that should ever be a Parliament, and this none. Queen *Elizabeth* enacted "the Members taking the Oaths of Supremacy and Allegiance, otherwise their Election should be void;" then I am sure there is an end of this Parliament, for we have not taken the Oaths of Allegiance and Supremacy, "and incapable of ever being a Member of either House;" so this puts an end to both Houses of Parliament. In the Convention of 1689, there was a King in being, and the next Parliament was legally called by Writs. This Parliament depends entirely on the foundation of the last, and if they want a confirmation, neither this, nor the last Parliament, can confirm it. It is said by *Sawyer*, "Conquest is a Law." It is the first time I ever heard it. I have heard that Conquest supersedes all Laws—It is said, "To the time of the landing of the Prince of *Orange*, according to the Laws and Statutes, they are King and Queen." Does not the Act of Settlement declare it? And you may very well refer to that Law, when they had their Royal Sanction: I think there is nothing against the reason of the thing\*.

Sir *William Pulteney*.] I hope we all agree that they are King and Queen; if we do not, we are forsaken. The only thing that sticks with me, is, I do not think that you intend that that Act about the Succession, should be left any way uncertain, that what we all mean should be clear. Why then should it not be declared, "That they are King and Queen, according to the Bill of Succession?"

\* *Somers*, then Sollicitor General, spoke with much zeal, and such an ascendant of authority, that none was prepared to answer it. So the Bill passed without any more opposition. This was a great service done in a very critical time, and contributed not a little to raise *Somers's* character. *Burnet*.

Sir

*Sir Thomas Lee.*] It is the natural Question, when exceptions are taken to a Bill, to have it committed, and of bad consequence if any other Question be put. I will trouble you now, only to offer an expedient how the matter may be solved, and the Bill not committed. There is nothing of worse consequence, than to explain what Right we fit here by, or upon what Government we stand, lest we should make farther limitation of the Crown than we have done. Possibly a Rider, to declare nothing in this Act against the Bill of Rights, &c. For that Reason I am against committing it.

*Sir Christopher Musgrave.*] I second the Motion for a Rider, and you may soon order it to be drawn to the effect moved by *Lee*.

*Mr Hampden.*] As for the expedient offered by my countryman, *Lee*, I gave no encouragement to it. I neither did oppose it, nor approve it. It tends to the great prejudice of the Crown. Such a Motion for a Rider is irregular. A Rider is proper to be added to an engrossed Bill, but not against so great and substantial a Clause of the Bill as is opened.

*Mr Godolphin.*] It is dangerous to recognize the Government upon such Terms as to endanger the Government. Some may interpret, "From the King's landing, &c." some Conquest—I would have it in plain words, that every one may understand; and it might be mended in three words, "Be," and "be reputed," looks as if the case of the Kingdom was like the Gentleman that rode over Rochester-Bridge upon a single Plank, and was so struck with astonishment afterwards, that he fell down dead—We have gone over a Precipice, and we ought to walk warily.—*He was called to Order, by*

*Sir Thomas Lee.*] It is proper to debate now the time of reading of the Bill, but not the words of the Bill.

*Mr Godolphin.*] I desire leave to bring in that Rider mentioned by *Lee*.

The Speaker.] “Leave to bring in a Rider” I never heard of before. Every one is at liberty to do it without leave.

Sir *John Lowther.*] I own myself convinced, that the Bill ought to be read to-day ; and as for the expedient, if you give time for a Rider, you will have all the ill consequences that can be, as if the King had another Title by Conquest.—This Clause is no more than what was done the last Parliament, and has destroyed all supposition by Conquest.

Sir *Thomas Lee.* As I told you before, I am always for preserving Order. Neither now, nor to-morrow, ought to be the Question, but whether you will read it, or not. (*He mistook*) I am sorry that any thing I said, by reason of arguing, should be taken for a Motion. I thought I spoke plainly to Orders and Methods. What I did say, was, “That it is in every Gentleman’s power to offer you a Rider, if he pleases.” Mine was only an Argument, what any Gentleman might offer you.

The Bill was read a third time, and passed \*, [the Question for committing it being carried in the Negative.]

The Lords Protest against the foregoing Bill.

“First, because we conceive to say, “It is enacted by the Authority of this present Parliament, that all and singular the Acts made in the last Parliament were Laws,” is neither good *English*, nor good sense. If it were good sense to enact for the time past, it must be understood, on this subject, to be declaring Laws to be good which were passed in a Parliament not called by Writ in due form of Law ; which is destructive to the legal Constitution of this Monarchy, and may be of evil and pernicious consequence to our present Government under this King and Queen.”

The Lords who subscribed this Protest were, *Halifax, Somerset, North, Nottingham\*, Weymouth, Abington, Scarsdale, Hunting-*

\* It was expected that great and long Debates would have been made in the House of Commons upon this Act, but to the wonder of all People, it passed in two days in the

House, without any Debate or opposition. *Burnet.*

† Many Lords protested against it, at the head of whom was the Earl of *Nottingham. Burnet.*

*don, Faversham, Fermyn, Dartmouth; Bishops, London, Winchester, Worcester, St David's, Landaff, and St Asaph.*

[April 10, 11, and 12 Omitted.]

*Monday, April 14.*

On a Motion for the Forfeitures of Persons, who acted in Commission, without taking the Oaths and Test.

*Sir Thomas Clarges.*] I hear the Papists are bold in many places, and one reason of their boldness is, they go away unpunished. In the last Reign, many of the Judges, and Justices, sided with them to countenance that terrible power in the Crown, to dispense with our Laws. You are told, "The Subject cannot have the benefit of it by lapse of time;" and that the King may have the benefit of it, is the end of my Motion.

*Sir Robert Sawyer.*] I would have Instructions to the Committee for the Bill, that the Forfeitures may be for public use, to satisfy public Justice, and that private Men run not away with it. If you make not some provision of this kind, if those go away with impunity, what can you have for caution of public security for the future?

*Sir John Lowther.*] I would not have this alarm too many people. I would have mean persons in small Corporations exempted, that those Penalties should not extend thither.

*Mr Hampden.*] I wonder to hear it said, "That this is not raising Money." You are laying a Penalty upon this sort of People; the time of the prosecution is lapsed, and you give the Penalty to the King *ex post facto*, and the Money to be applied to public Uses. Let not this be called "No raising of Money."

*Sir John Guise.*] We shall not do Justice to the Nation to punish one Man, and not the top of all. This brings you into the business of the day (*The Plantation-Charter*). The Charters have brought you into all these misfortunes. I would have both the considerations in one Bill.

*Sir Edward Seymour.*] There is no time limited in

the Act for prosecution of the Penalty ; it is a Debt, due at this time, both in matter and form.

Mr *Hampden.*] Taking these Fines from private, and putting them to public Uses, is raising Money upon the Subject.

Sir *Edward Seymour.*] This is but transferring it to better security.

[The Poll Bill passed, and a Bill for reversing the judgment in a *Quo Warranto* against the City of *London*, was read the first, and ordered to be read a second time.

*April 15*, Omitted : *April 16*, Fast-Day.—Dr *Tillotson*, Dean of *St Paul's*, preached before the House.]

*Thursday, April 17.*

The House was informed, That the Sheriffs of the City of *London* attended at the Door, to present a Petition to the House\*.

[Debate on their being called in.]

Col. *Birch.*] I move that they may be called in ; it is a respect that was never denied to the City of *London*, which has been so useful to the Government.

Sir *Edward Seymour.*] According to usage of Parliament, they ought not to be called in. Have they not their Representatives here ? If it be a private business, you ought not.

Mr *Sacbeverell.*] I am not of Opinion that there are any such practices in the City as Gentlemen talk of. Though I like not very well the Change that has been lately made there in the Militia, nor the Bill to vacate the Judgment against their Charter, I will never be for them that would not stand with them for justifying their Liberties. You do the Corporation no good by reversal of their Judgments. Instead of relieving them, you put them into a worse state than before their Charters. I am for giving them their just Rights, and no more.

Sir *John Lowther.*] The Debate is wholly irregular, To talk of Bills not brought in—I never heard that a

\* See p. 41.

Petition was delivered to the House, but was first opened, to see whether it was fit for you to receive; for sometimes you have rejected Petitions. The last time you refused one from the City of *London*, because it was not opened. This is a matter that may create heats by dividing us, of the most dangerous consequence. In all Companies, they talk of our Divisions, that they will ruin us. If it be as People talk, it is a Petition for a Bill to establish their own Rights. No Act enjoins the Mayor and Aldermen to petition, and nobody else. Consider the consequence of such a Petition to the Nation. Who shall you gratify by this but your Enemies? Pray go to the Order of the Day.

[Sir *Henry Capel*.] A Bill has been prepared, and read, about their Privileges, and they may take notice of it. If the change of the Lieutenancy in the City has been a misfortune, this is the Place for it to be heard in, composed, and reconciled. I will not interfere in the Order of the Day, but beg all encouragement possible to the City. We know not where to have the Money, but in the compass of the City of *London*; therefore, pray, put no discouragement upon them, but call them in.

[Sir *Thomas Clarges*.] It is proper, now the Petition is opened, to consider whether you will receive it, or no? Pray let me put you in mind how you are used in this matter. The Motion is, to restore the City to its ancient Liberties, but you order a Bill to vacate the Judgment, and it is ordered to be read a second time. When you were at your Devotions (the Fast-Day) no Day would serve their turn for a Common Council, but that Day. You were told of a great Change in the City Militia; but I think, the King could not go with any security out of *London*, without that Change of the Lieutenancy. I remember, and sadly, what they did in *Charles I*'s. time, and the consequences. I am loth to give the Petition the name it deserves, and I would not have it read.

*Sir Thomas Lee.*] I am one of those who were always of Opinion, that just so much is due to *London*, and no more, as to every little Corporation in *England* ; “ That they have Right to petition, either by themselves, or their Members, at this House ; ” and we cannot deny them, if they come in that due measure, and decency, as they ought. If the matter be what they ought not to petition, they are in your hands. I know nothing of the Alterations in *London* ; but I take it for very fortunate, that the Judges have their Places now *Quamdiu se bene gererint* ; I should be afraid else the old ones would come in. I hope those who are the Advisers of the King’s Change of the Officers will take care, if this Change be not good, that it shall be altered ; if those Judges should come into their Places that have done ill. If the County of *Buckingham* should send a Petition, I hope you will receive it.

*Mr Harcourt.*] It seems, that this Petition is framed rather at a Cabal, than from the City ; and not only brought in by the Sheriffs, but against the very Act of the Members of the House.

*Sir Robert Howard.*] I shall not enter upon complimenting the City, nor upon particular Respects, but your Duty in respect of yourselves. I know not how the Common Council is become a Cabal now ; it was a good Cabal, when the King desired 100,000*l*, and they sent him 200,000*l*. I have a respect for those put in, and for those put out ; but you must not be led on thus : Since some of Mr *Cornish*’s and Lord *Russel*’s Jury, Murderers, had the power of the Sword in their Hands ; those put out, I believe, are remote from a Common-wealth—To refuse this Petition is one of the sharpest things that ever was. Was not *Oxford* Petition, between the first and second reading of a Bill, read ?—This would be a Favour to encourage the City to assist ; and these very people are not so inconsiderable a Cabal, if it be one. If a Member be so affixed to a Town, or a Place, what does he here, if he be not for the Public ? Pray be pleased to admit the Petition ;

if it be not fit for you, throw it out. Nobody knows yet what it is ; and it will be strange to receive *Oxford Petition*, and throw out this.

Sir *John Parsons.*] I will not call it “ a Cabal ; ” but several Aldermen were not called to the Common-Council, and particularly I was one.

Col. *Austen.*] I tell you why I would not be too strict in observing Days. Deeds of Charity may be done on that Day as well as others. When you have occasion to use those Gentlemen of the City, do not anger them. (*Some laughed.*) I cast my eye upon those that carry their pleasure of ridiculousness upon me, which I despise. Pray consider, whether you will not have occasion for Money.

Mr *Coningsby.*] That Question puts me upon another; Whether those Gentlemen will lend ? I hope there are no Murderers in the Lieutenancy of *London* ; and I hope those that will not qualify themselves, will be turned out.

The Petition was opened by

Sir *Robert Clayton.*] (But he had not the Petition in his hand ; which was against Order.) I am not versed in the Laws, but I know none “ That my Lord Mayor and the Aldermen should bring the Petition themselves to the Parliament.” They ought to be delivered by Members of the House. Every Member here serves for all *England*.

Sir *Edmund Jennings.*] I know none put in nor out of the Lieutenancy, but, I believe, on good consideration. The *Gazettes* were stuffed with Addresses to King *James*, to stand by him in the Dispensing Power with Lives and Fortunes : Quakers, Anabaptists, Presbyterians, and other Sects ; they either stood by King *James*, or assisted him. If they did it, or did not assist the present King, what security can the Government have from them, that either opposed this King, or forsook King *James* ? They are fit to be put out not only of Civil but Military Employment. The King did not understand the Constitution of the Government,

ment, when he came in ; but, since, he knows who are fit to be employed, and that these Men put in are fit.

[The Question being put, That the Sheriffs of the City of *London* be called in, it passed in the Negative, 215 to 166. The House then adjourned to *Monday*.]

[*April 21*, Omitted.]

*Tuesday, April 22.*

The Bill for reversing the Judgment, in a *Quo Warranto*, against the City of *London*, was read a second time.

[*Debate.*]

[*Sir Robert Clayton.*] I am of Opinion, with those that think this to be of great concern to be settled, in order to that, to lay our Hands and Heads to work. I would obviate all scandal laid on the City of *London*, by this Petition, that you have rejected, as not well obtained. The Common-Council ordered a Bill to be proposed to present to the House ; they did this on *Tuesday* in the afternoon. They summoned a Council, by which a Committee was empowered to draw a Petition to present to the House. As to summoning the Council, the Lord Mayor assures the House they had due Summons. *Sir John Parsons* told you, “ he had no Summons : ” Another, *Mr Perry*, tells you of a nephew of his that had no Summons. *Parsons* orders all his Summons to be left at a Goldsmith’s, and his Summons was left accordingly ; and the Officer made Oath that *Parsons* never called for it. The Wards were summoned by printed Tickets, and there are Witnesses at the Door, to prove a regular Summons to every Man. I cannot discover the least in their intention of surprize. If the House will have farther satisfaction, the Witnesses are at the Door. The Committee would have gone farther, if they had had Power. I take leave to offer you my thoughts, where the Bill is defective : There is no Provision, that the Companies shall be restored ; nor Provision to indemnify those that acted

acted under the New Charter; nor any for the Magistracy of the City. I hope the prudence of the House will take care of that. If the Magistrates that were before, take the same place as formerly, you must have the same Sheriffs you had before. If all be restored that were before, you may see King *James* here again, if the King go into *Ireland*.

*Mr Papillon.]* I must beg pardon if I differ from Gentlemen. I must speak freely: The Bill is so far from the Title, that it is against the thing. There were great endeavours to take away all the Privileges of the City: Soldiers were drawn up in *Guildhall*. This was before the Judgment upon the *Quo Warranto*. As this Bill is penned, you confirm all that was done before, instead of restoring the Privileges. I move, that you will enquire into what ancient Privileges the City had before by the Judgment and *Quo Warranto* they were taken away.

*Sir John Guise.]* I would know, whether you do not confirm that Election of Sheriffs, by which they lost all their Liberties? Will you confirm all these actions? You are told, "This was a Cabal that framed the Petition;" but we do not find but that they had legal Summons. They desire one thing, and you do another: They desire to be heard by Counsel to the Bill; and that is made a ridiculous thing. You deny nobody Counsel to be heard in the like case. I am not against the Commitment of the Bill; but a great many things are to be thought of; and I hope you will take such consideration and steps, as wise men ought to think of, and not lay imputations upon People of a Commonwealth. Those who spread such Reports betwixt the King and his People, are criminal; and this is not a time to make such difference. I would enquire from whence this came. Affix some time for the City of *London* to be heard by Counsel.

*Mr Dolben.]* I would commit the Bill, upon Debate of the House. The Committee did not take upon them to insert a Clause for the Corporation of Companies; therefore

therefore I desire it may be Instructions to the Committee, &c.

*Sir Thomas Vernon.]* The Committee of Common-Council had not power to insert any thing in the Bill, in order to the Companies. There is one thing to be provided for, that all Freemen may be confirmed. Livery-men paid, some twenty, some twenty-five pounds for it. That that may be confirmed, I would have part of the Instructions to the Committee.

*Mr Foley.]* I find a Clause in the Bill that confirms Leases made upon valuable Consideration. I cannot tell what "valuable Consideration" may be. I would have it, "That what Leases are made may be redeemed as Mortgages." I suppose it is not the design of the House to restore those to their places, who have lost them because they would not swear to the Government: That is not for the King's interest, nor the City's. 'Tis intimated, that this Bill will restore Sir Dudley North and Sir Peter Rich to be Sheriffs \*. I know not how the House will come up to that. I think Rich has lost his Alderman's place; and, notwithstanding disability of Places, by this Bill they are restored. I would have them restored to the Rights they had before the Judgment against the Charter, and that their Counsel may be heard at the Committee, or at the Bar of the House.

*Sir Christopher Musgrave.]* If the Bill be strait, 'tis through default of the Order from the Common-Council to the Committee. The House thought not fit to go into the Sea of the ancient Rights of the City, but they were immediately before the Judgment against the Charter. There might be ill practices, but the Right was theirs. You are told of the restiveness of some to take the Oaths; those are not fit to come into Employment: But I have heard that Sir John Holt and Sir Henry Pollexfen drew this Bill, at the great Charge of the City: I wonder at it, if the City had a mind to have these men restored. You are not taking

\* See page 41.

away,

away any thing from the City ; they would have you restore them to what was their ancient Rights.

Col. *Austen.*] I would have it part of the Instructions to the Committee, " That those who have not acknowledg'd the Government, should not be restored by this Bill."

Col. *Birch.*] As to persons qualified, or unqualified, I shall say nothing ; but as to all other fears and misunderstandings amongst us, there wants but one, *viz.* a misunderstanding betwixt the City and us. To prevent this misunderstanding is the reason of my standing up. If the City and you are of a-piece, there is no Fear ; but, for unqualified persons to be restored ! — And, on the whole matter, there may be something more they would have than they say. I would give leave for Counsel to be heard, &c.

Mr *Finch.*] You are moved to commit the Bill, and that they should be heard by Counsel : I agree to both ; and, I hope, to a Committee of the whole House. I always observe that, when there is Counsel to some one point of the Bill, the Objection is of great weight : It is, Whether this Bill does restore the City to their ancient Privileges ?

[*Resolved*, That the Bill be committed to a Committee of the whole House ; and that Counsel be heard upon the said Bill, to such Points as the House shall direct.]

*April 23* \* Omitted.]

*Thursday, April 24.*

[Counsel attended on the above Bill.]

Sir *Edward Seymour.*] I would know of them, for whom they do appear, and to what they would be heard ?

Serjeant *Thompson*, one of the Counsel.] I appear on the behalf of several Citizens of *London*. I have not particular Directions from my Lord Mayor ; and, without your Directions, I know not what Point to speak to, *He withdrew.*

\* The King this day passed the Poll Bill, and four others.

Sit

*Sir William Pulteney.*] This Bill from *London, &c.* is not a General Bill, but a Private Bill; and to it any person may be heard by his Counsel. This is such a reverse from *Thompson*, to tell you, "He has no Particulars to speak to," that you know not what to do.

*The Speaker.*] They that desire to be heard, must tell you to what they would be heard.

*Sir Christopher Musgrave.*] If the Counsel were not instructed from the City, without doubt they would not be here. It was formerly opened, "That the Citizens had some Points to be heard to;" therefore I would know to what Points they are. Instructed, without doubt, they are; and they must not quibble upon your Order; though I could wish it had been plainer.

*Mr Roberts.*] I would have the Counsel called in, to tell you who are their Clients.

*Sir John Guise.*] I am afraid this is a kind of censure on your Members, that they say nothing to what the Counsel should be heard to. Upon occasion, the last Parliament, a stop was put to a Petition from the City, because it was not signed\*. They signed it, and you received it†. When I hear it is a business so considerable, I would willingly know the Points they are to speak to; and, I believe, if they are called in, they will tell you.

*Sir Jonathan Jennings.*] I remember, last Parliament, *Sir Robert Clayton* delivered you a Petition, and that Member went out again to have it signed. (And gives a long Narrative.)

*Sir Thomas Lee.*] I had thoughts, after *Jennings's* long discourse, that he would have told you of a Petition now; but here is no Petition before you, as there was then; and so you are to call in Counsel.

*Sir John Thompson.*] Every body values their respects as they please, and the City may employ their Representatives as they please. (Reflecting.) This seems as

\* See Vol. IX.

† See Vol. IX.

though

though we were trying how to get off from our Order.

*Sir Thomas Vernon.]* I will give the House some account why the Common-Council had not made application to us [the Aldermen] with the Petition. If we were to make a Motion for a Bill, they would see it. Some days after, the Bill being brought to us, we would read it Paragraph by Paragraph; but they would not suffer it to be read, either in the whole, nor Paragraph by Paragraph. 'Tis true, the Common-Council are chosen by the Wards, but we are by the City, which is far the better part of the City.

*Mr Harcourt.]* If you call in the Counsel, I would ask them, to which Points they will speak? If they think that what is lost of their Privileges is not sufficiently confirmed by this Bill; if the Judgment is not sufficiently reversed, you may hear them to that Point.

*Mr Papillon.]* However the Order is worded, I believe it was the intent, to know what the City has to move; and the House is to consider what to allow. You are told, by *Vernon*, "That he is chosen by the City of *London*;" but I think not so. There is his and my Opinion.

*Sir Edward Seymour.]* Which of the Opinions of these two Members you will support, I leave to you. The Business you intend is, to settle the Peace and Security of the City, that you may settle yours the better. Petitioning here is specious, but in Public Bills never heard of; but, for private Bills, if you are going about to take from them, they tell you what. I would have them speak out, whether they aim not at more Privileges than they had before. Perhaps, in the Lieutenantancy, that did not satisfy that Gentleman's Opinion, nor that Gentleman. I would thank the King for the Change, and desire him to go on farther in it\*. Here

the

\* The Corporation Bill did so highly provoke all those whom it was to have disgraced, that the Tories were by far the greatest num- ber in the New Parliament. One thing was a part of the bargain that the Tories had made, that the Lieutenantancy of *London* should be changed,

the Interest of *England* is met together to be determined, and if rolling in uncertainties, you will never be safe. Every body sees through this; those that should have been assisting to inform the King, are as useless to the King in his Council, as those in the Lieutenantancy. I would not only thank the King for the Change, but desire that he will please to go on to settle the Kingdom on that foundation.

Col. *Birch.*] I think you are gone a little out of the way. Pray look back, and see where the Debate begins, *viz.* "That the Bill is inconsistent with what would be maintained of the City-Liberties." Call the Counsel in, and we shall understand one another.

Sir *Thomas Clarges.*] I think no Debate improper for the House of Commons, for the public safety.

Sir *Thomas Lee.*] (Calls him to Order) He knows the Order comes from the Chair, when there is any Controversy. No doubt what concerns safety is always seasonable, though not regular. The Question is, calling in the Counsel.

Sir *Thomas Clarges.*] When in a Debate any thing has happened acceptable to the House, and what is necessary to be presented, I would address the King to settle the Militia of *London* in the hands of Persons affected to the Monarchy.

The Speaker.] The proper Question is for calling in the Counsel, unless you waive that Question,

changed. For upon the King's coming to the Crown he had given a Commission, out of which they were all excluded; which was such a mortification to them, that they said, they could not live in the City with Credit, unless some of them were again brought into that Commission. The King recommended it to the Bishop of *London*, to prepare a List of those who were known to be Churchmen, but of the more moderate, and of such as were liable to no just exceptions; that the two parties in the City might be kept in Balance. The Bishop brought in a

List of the most violent Tories in the City, who had been engaged in some of the worst things that passed at the end of King *Charles's* Reign. A Committee of Council was appointed to examine the List, but it was so named, that they approved of it. This was done to the great grief of the Whigs, who said, "That the King was now putting himself in his Enemies hand, and that the Arms of the City were now put into a set of Officers, who, if there was a possibility of doing it without hazard, would certainly use them for King *James*," *Burnet.*

The

The Counsel was called in.

The Speaker.] The House has commanded me to know of you, to what point of the Bill you object?

Mr Serjeant *Thompson.*] A Quorum of the Committee of the Common Council retained me. They acquainted me with the Order of the House to what matter I should direct myself. They would not alter the Bill but in one matter—The design of the Bill is to restore the City to all the Privileges they had, either by Act of Parliament, or Prescription. As necessary to that, some Companies cannot be restored so effectually, unless restored by Name; and several other things are not proper to mention, till I have your direction. I have the Heads of several Clauses to offer, if you please.

*Then he enumerated the Heads of the Bill, &c.*

Sir *Edward Seymour.*] The Bill is before you, and you have heard Counsel, and now they make no exceptions against it, but they present you with additions something more than before the *Quo Warranto.* Upon *London* depends a great deal of the security of the Nation; therefore it is not fit to be independent on the rest of the Nation. A great many of those particulars, that *Thompson* desires may be added, are very fit to be done, but not for us to do. We must leave that where it is proper. I would proceed upon the Bill to make it useful to them, but leave other things to a more proper hand.

Sir *Thomas Lee.*] It is as just what they ask by addition, as the reversing of the Judgment. That of the Companies is just. It was *London* that brought resigning of Charters in fashion all over *England*, and it consits with Justice to have those restitutions made, which the Bill does not reach. I know not why those small Corporations of the Companies should not be provided for, as well as the rest.

Sir *Thomas Clarges.*] That point offered by *Thompson*, of my Lord Mayor's adjourning or dissolving the Common Council, without their consent, puts me in mind of sad thoughts. They had their Precedent

from the Long Parliament of 1641. I hope you will not consent that they shall be so much as heard upon that Article.

Sir *Joseph Williamson.*] Counsel is fit to be heard to points of Law. Several of these things desired by them are perfectly new, Rights of Grace and Favour. I wonder that Body should offer you Heads so destructive to Trade, being men of so great experience in Trade. If we are about new Privileges for *London*, I submit it to you, whether they ought to begin here; they ought to be granted from the King, and have confirmation here; that would be most proper, and you need not call in Counsel again as to that point.

Sir *Edward Seymour.*] I will make you a short Proposition to terminate in something. If you please, before you go upon a particular Head, come to some general Resolutions; whether you will give new Privileges to *London*, or restore them to their old. Come to some easy and quick dispatch, and put a general Question.

Sir *Christopher Musgrave.*] If they have their ancient Privileges, by Act of Charter, let them have them, but these Charters are not before us, and we know not what we do. We are not taking them away, only putting them in the condition they were before, and pray let us have that Question. I think they are not their Privileges, because they desire them. As to the Preamble, I never heard that Counsel was to be heard, for an Act may be without a Preamble.

Sir *John Lowther.*] I cannot agree to the Motion. It is of dangerous consequence, that you should grant new Privileges, which is always understood to be the Right of the Crown; and I doubt not, but the King will be as bountiful as his Predecessors, if the City apply to him. I hope you will not take the power from the King, to gratify them by extraordinary ways. Let the Question be, "That you will not grant any new Privileges to the City of *London*."

Sir *Thomas Lee.*] When the Counsel were called in, they

they proposed new Heads to the Bill, which seems to be conditions to the Bill. Some Gentlemen say, "They would have them Head by Head;" others, "They would not grant new Privileges." I am not for it; it may be dangerous. I am for the Rights of the Crown as well as of the City, but rather I would have them from the Crown, than from a favourite. I would not have new Privileges neither. Some you must grant them, of no prejudice to you, but advantage to them. Let the Question be general, and the Committee may be left free as to Offices. Let the Question be, "Whether you will hear Counsel any farther?"

[The Question for hearing the Counsel passed in the Negative, as did also that for Adjourning, 214 to 144.]

#### On the King's Change of the Lieutenancy of *London*.

Sir *Thomas Clarges*.] By this Example of the Change of the Lieutenancy of *London*, the King has a great care of us; and I hope he will do the same all *England* over; and I move you to thank him.

Mr *Papillon*.] I must not jest with myself, though I am a Citizen, but I know not who these persons are that you thank him for. I know not the Names of a fourth, or a half of them; they may be obnoxious to the Church of *England*, and the Government. Such a Motion as this, after two o'clock, is not for your honour.

Mr *Campion*.] I am for the Church of *England*-men to be employed in this Lieutenancy. I know not whether it be true or no, but I have heard, that several of them would not take the Oaths to the Government. I would know what this Lieutenancy is, before I give my consent to thank the King.

Mr *Finch*.] I think the Gentleman mistakes the Motion; for the Address to the King is for those in the Lieutenancy; and those that would not take the Oaths, are not, by Law, of the Lieutenancy.

Sir *Robert Clayton*.] I should be glad to understand the Question, and the Reason of it, (and so gives an account of the Change of the Lieutenancy in the last Commission)

*miffion)* But it is worth your Examination, neither the ablest nor best men are added. I would examine, whether these persons are worth the favour of this Address to the King. You will find, that many have had a hand in the worst things. I am for cementing, not dividing. Divisions and Parties never did good, nor ever will, of any Church or Party whatsoever. If you will give liberty to enquire farther into the Lieutenantancy, I believe you will not pass this Vote.

*Sir John Lowther.]* I am for this, because it will take away our Divisions. If the King remove me, I am so conscious to my own abilities, that I shall agree that I am justly removed; and if they have not given satisfaction to the Government, I hope they will comply for the future. We have had talk of ill management of Addresses for removal of persons, and catechising the King. I hope that is gone—I hope he will have success and encouragement in the farther methods he shall please to use, and take away all dangerous and factious People, to the full satisfaction of the Government. If there are such men, they are fit for removal, and I hope they will be turned out; and that it will extend to both sides, one as well as the other, and take away all Divisions for the future.

*Mr Foley.]* I am afraid we are under a mistake in this. Some said, they were Church of *England*-men, and some not. I have seen a List, and I must observe many in the Lieutenantancy that have had their Hands in Blood several times over. 'Tis not for the Service of the Nation to condemn a man upon one Witness, and one that contradicted himself. Some are there, who went to congratulate King *James* after his return, and the landing of the Prince of *Orange*. I know not why you will take so much notice as to give the King Thanks for these Men. They have chosen one for Colonel, who would not qualify himself to be an Alderman, and has appeared, by Force, to controul Elections in the City. I believe, when you examine, many things will be proved upon these persons;

sons ; and, I hope, when the House has a full Information of these things, they will not think it for the Interest of the King and Kingdom, that these men should be continued.

Sir *Samuel Dashwood.*] I find, great stress is laid upon one particular, of persons unqualified. The matter of fact is this : Sir *James Smith* happened to be in the Country ; and I have heard him aver it, and solemnly declare, " That he never heard of that Act." Though the Court of Aldermen did not admit him, yet they admitted another under the same circumstances. Sir *Thomas Allen* omitted it solely upon ignorance of the Act. I know many, of great reputation and honour, of the City, (if I may call it so) and their Loyalty did manifestly appear, by the great Sums they sent the King—Be they Churchmen, or not, this particular person is as honest to the King's Interest as any man in the Lieutenancy.

Sir *Robert Howard.*] I am of his mind. I would not shut a man out of the Government, that is willing to come in, both Clergy and others : I am so far from taking advantage of Omissions, that I would restore all. To the Honour of the Privy-Council, it was said once, " That you were beholden to the lower end of the Table for taking away the Chimney-Money." I had no share in that Advice ; it was from the King—But, for an Address to thank the King in general, there I must say a word. I speak under the shelter of an Act of Parliament—To ingross Thanks for such men, for Actions you have marked and judged criminal !—If you go on the method of Thanks for the Men of the Church of *England*, I am for that ; but, for Men that have committed Murders (the King not knowing it;) and you thank Alderman *Cornish*'s and Lord *Russel*'s Jury—King *James* took down *Cornish*'s rotten Quarters, set up there by as rotten a Power—Pray let this be examined. Let us not ask the King for that, but for the Church of *England*.—For Acts, that

we ourselves have condemned, that an Act of Parliament has condemned, and all Mankind!

Mr Finch.] Most Gentlemen mean the same thing, in this Debate: 'Tis not, that the House will thank the King for twenty or forty People, but for those who, by their principles and practice, are for the Church of *England*. I would have a Question that will thus take the sense of all men. I would have the King thanked, "For the great care he has taken of the Church of *England*, in the Alteration he has made in the Militia of *London*."

Col. Birch.] I did never think, after the experience I have had, ever to have heard this, and that we are all agreed to serve the King and Kingdom. In the Parliament of 1660, none abroad durst look the King in the Face, when the King said, "Let this be called the healing and blessed Parliament." Not long after this, one sort of people, who acted in a corner (I know who they were) made men criminated in most corners of the Kingdom; this brought us into a low condition. We were taught that Prayers and Tears would cure us; but they brought Declarations and the Government to Tyranny. Pray let this Address alone, till we have beaten our Enemies. I protest, if I would give Advice from t'other side of the water, it should be this; for Gentlemen to give Thanks for they know not what. Let us see these Gentlemen (we thank for) who they are first. I know what they are that stuck to the King, from *Dan* to *Beersheba*. To put the King into other hands, I am not for it. Examine who these are, and do not give Thanks hand over head for these men.

Sir Henry Capel.] If I am not for the Church of *England*, I have much forgot whom I am descended from, that suffered for that Church in the *Palace-Yard*\*. Is it a reasonable thing that the whole Body of the Parliament should address the King, &c. without satisfaction? Suppose you make this Address, and

\* Lord Capel, his Father.

you

you find those put in are not of the Church of *Eng-*  
*land*, and have been of the bloody Juries? When you  
address the King, do you not take every part of his  
Speech into consideration, before you draw up your Ad-  
dress? I never saw the List of this Lieutenancy, but  
I have heard an ill character of some of them—I have  
seen the Church of *England* set forwards and back-  
wards, by Lord *Clifford*, who did head the Declaration;  
and here we are set one against another, and all for the  
Interest of the Papists. We cannot justify ourselves  
to our Country, in this Declaration, if any of these  
things alleged happen. Another Parliament will find  
fault with this Address, as not consistent with Reason.  
Unless there be some other design in it, I move, that  
a Committee may make a fair Report of these Persons  
in the Lieutenancy, that we may be all unanimous.

Sir *Christopher Musgrave.*] All unanimously agree  
for Thanks to the King, for his encouragement of the  
Church of *England*. Plainly, that is the sole bottom  
of his security, to establish the Crown, to countenance  
it, and shall not this House take notice of it? It has  
given great satisfaction, in the Country, that the King  
has made this Alteration; and shall not the King know  
of it? I hope those of the Council will advise the King  
of the sense of so considerable a part of the Nation.  
What do the Dissenters terminate in, but a Common-  
wealth?

Sir *Thomas Littleton.*] 'Tis strange to return Thanks  
to the King for this Alteration, before we know whe-  
ther it be an Alteration or no. We are told, "That  
the Dissenters are left in the Lieutenancy." I am  
one of those that would not make the King a King  
of a Party. The Misunderstanding in the Nation, is  
not from Church of *England*-men and Dissenters, but  
betwixt Church-men and Church-men, that would  
ingross the name of Church-men, to bring in Tyranny,  
and persecute all Protestant Churches abroad. Those  
that are for having the King universal King of all his  
People, will support him in any Tryal; and I doubt

that Tryal is nearer than we are aware of. The House is not yet so much satisfied as to know the Names of this Lieutenancy of *London*. I am not for the Question, till we know what we are doing.

Sir *Edward Seymour.*] I made you the Motion that occasioned this Debate. I hope now I shall propose something to all your satisfactions. I would address the King, with Thanks "for his care of the Church of *England*, expressed in the Alteration of the Lieutenancy of *England*."

Col. *Birch.*] In all these Debates, something starts of use to the King and Kingdom. I know not who is for King *James*, or who for King *William*—It grieved my heart to see a Thousand at Church last *Sunday*, and not Forty at the Sacrament. He that is unworthy of the one, I think, is unfit for the other: 'Tis a Fund of Confidence upon one another. Let us abjure him on the other side of the water; and, instead of this endless, sleeveless Address, draw up that Abjuration.

Sir *Henry Goodrick.*] I approve much what has been moved, that the Address be in general. I hope we shall avoid going from one extreme to another. (And reads a Question, for an humble Address to the King, with Thanks for his Favour to the Church of *England*; and that he will please to support it.)

Col. *Austen.*] I believe the Church of *England* all very good Men; and those Tools, or that made themselves so, who congratulated King *James*'s return to *Whitehall*, and wept for joy, will you thank the King in general for these Men? But, as to thanking the King for any general kindness done to the Church of *England*, I am for it.

Sir *John Lowther.*] I would neither take notice of these Mens Merits nor Crimes. But the Interest is changed; and their Morals are good, whatever their Principles are. If you stay till all are of a mind, you will never have Alterations; but if things are comparatively better, 'tis that which we give Thanks for.

Mr

Mr *Charles Montagu.*] If you commend what the King has done in general, and not in this particular instance, it will be much more for the King's Honour.

Sir *Henry Capel.*] It seems to me, that every one is zealous for the Church of *England* well established for this particular place, for *London*, only—The executive part is always in the Crown; to put out, and put in, as it pleases: Therefore it will be more safe, and more for the honour of the Church, and this House, that there be no Negative for the whole Kingdom. For the King's care of the Church of *England*, carry it as far as you will. Let the Question be general, and leave out “the Lieutenancy of *London*.”

Mr *Ettrick.*] I think this House is more able to advise the King than any where else. What fell from *Capel* was, as if the King was about to alter this Lieutenancy—Instead of approving this, you look upon this as one thing not done for the Church of *England*. I fear an Alteration, and I doubt this House may be thought of that Opinion.

Mr *Clarke.*] I am as much for the innocent Church of *England*-men as any man; but not for the guilty of innocent blood lately shed. I would therefore leave out the words “of *London*,” and make the Thanks general.

[*Resolved*, That the humble Thanks of this House be presented to his Majesty, for the great care he has expressed of the Church of *England*, in the late Alterations he has made in the Lieutenancy of the City of *London*.]

The words, “in the Lieutenancy of the City of *London*,” were retained, 185 to 136.

[*Resolved*, That the whole House do attend his Majesty with the said Address.]

Exceptions were taken at what fell from Sir *William Whitlock*.

Sir *Thomas Clarges.*] I hope we have liberty of speech to arraign in one Parliament what was done in another. I wonder that a Gentleman should be called to the Bar, for what he said about repealing the *Habeas Corpus* Act. I did not like the hasty *Repeal* of that Act, the last

last Parliament. We ask Liberty of Speech, of the King, every Parliament, in a Compliment; but it is a Right inherent in us.

Mr Harbord.] I am willing to pass by what any Gentleman says by inadvertency. But pray let us not lose our Question, "That they that will not make Renunciation of King James's Title, shall not have the benefit of the *Habeas Corpus* Act, nor be capable to bear any Office." We have been told of "Over-loading the Cart;" (by Birch) but I had rather have nothing in the Cart, than leave the main Load behind. And I move, that the word "Ecclesiastical Offices" may be put into the Question.

Sir John Lowther.] 'Tis absolutely necessary, that this Motion of the *Habeas Corpus* be put into the Bill of Abjuration. I know that designs are carried on, to the destruction of the Government: Therefore I would have it part of the Instructions to the Committee.

Sir Thomas Clarges.] The *Habeas Corpus* Act went backward and forward; and we had sixteen years time to get it; and now to make a Law to be deprived of that Law!—Make what Penalties you will; but, in one Act to repeal another, I know not where the consequence may rest. I value Liberty more than Life, or Estate: That's my Passive Obedience; I cannot consent to it.

Mr Wharton.] We differ only about words. I say, "Imprison," as Serjeant Wogan says, "without Bail or Mainprize," or to be deprived of the *Habeas Corpus* Act, is the same thing.

Sir Thomas Lee.] I am as fond of the *Habeas Corpus* Act as any body. The Bill against foreign Imprisonment was lost once, in the Lords House, by one Vote. It was, when the Liberty of the Subject was inconsistent with what was to be then done. But this is only Instruction to a Committee, for direction to draw a Bill. I do it now, upon this particular occasion, now the King goes away, for the Security of the Government.

But

But for those that will give no Security, till *Ireland* be conquered, 'tis no hurt to your Act of *Habeas Corpus*.

[Sir Christopher Musgrave.] I did not give my consent to repeal the *Habeas Corpus* Act then: But to give Instructions to a Committee to repeal a Law, I never knew; nor is it the usual way, nor method of Parliament. The Blank for the Oath of Allegiance was filled up by a Committee of the whole House.

[Mr Harbord.] If you give a private Member leave to bring in a Bill to repeal a Law, you may surely trust a Committee with it.

[Resolved, That a Committee be appointed to prepare and draw up an Oath of Abjuration of the late King *James*, that all Persons, in any Employment or Trust, Ecclesiastical, Civil, or Military, shall be obliged to take: And that the Committee do prepare and bring in a Bill for that purpose.

[Resolved, That it be an Instruction to the said Committee, that such Persons as will not take the said Oath, shall be committed, without Bail or Mainprize.

*Friday, April 25.*

The Abjuration-Bill was read a first, and ordered to be read a second time.]

*Saturday, April 26.*

The Abjuration-Bill was read a second time.

[Debate.]

[Lord Digby.] 'Tis a tender point that I am going to speak to; and, before I enter into the Debate, I desire I may speak freely, without prejudice. Whatsoever concerns the Constitution of the present Government, I would not be thought to speak against; nor for King *James*, if I speak against the Bill. The Foundation of the Government is the Bill of Rights; wherein the King promises his part, &c. and we swear Fealty. This is our original Contract; if there be any, I am of opinion that is it. This Oath I took with a good Conscience, and will keep it. Till the King enlarges his

his part of the Contract, I think we should not enlarge ours. I have heard of Enemies against Kingly Government, and I fear this will create many more. This will not distinguish the Enemies from the Friends of the Government. If this be, now the King is going into *Ireland*, it may be of dangerous consequence. These Considerations weigh with me against the Bill.

Mr *Cary*.] I am so much a Friend to the Government, that, when this was first proposed, I was for it, and ready to take any engagement; but the reason then for it, makes me now against it. To distinguish Friends and Enemies, supposes a need to support the Government. Now you doubt your Weakness, and prove it too. Do you not discover the Weakness of the Government, when you find it? The Oath of Allegiance has this Oath of Abjuration in it. Oaths lose their Value, when they lose their Necessity. Excommunication lost its Force, when made too cheap, in the *Romish* Church. I shall proceed to show, that this is no Security to the Government. They that will evade one Oath, will another. Those men that abjured King *Charles II*, did not they bring him in? May not men that will evade these Oaths, come into Employment, and easily break through, and have advantage of betraying the Government? They have taken the Oath of Allegiance; and if they have a mind to get off by evasion, they may do this of Abjuration. I am against a Committee, &c. because it is against the Government.

Col. *Granville*.] I stand up to move for Commitment, &c; and really I cannot understand the reason of those that oppose it. This only obliges us to what we all have done. In that Oath, I did heartily renounce all Allegiance and Kindness to King *James*. The duty to Religion obliged us to displace a Popish Prince: A Protestant Title is the best Title to the Crown of *England*. If we discover our weakness upon an ill bottom, it will only discover our Enemies. I have heard Exceptions against Ecclesiastics, &c. I can-  
not

not believe it, unless they have some secret reserves. If such men be in *England*, this Bill is absolutely necessary. From Treachery and False-heartedness is our ruin; [from those] who will part with all rules of Morality to ruin us again. Those who scrupled the former Oaths, will these; and your great tenderness, in the last Parliament, makes them scorn to owe any obligation to your Mercy, because, they say, you durst not do otherwise: They are not to be led by arguments of clemency and good-nature. I am for the Bill.

*Lord Falkland.]* I am an Advocate for the present Government; and, for the same reason, I was for the Abdication of King *James*, and for the settling of King *William* upon the Throne. The design of this Bill is to distinguish your Enemies: At home, they are too few to be feared, or too many to be provoked. When your Enemies see you reduced to the last extremity, how will they value you? When *Augustus Cæsar* had a List given him of those who conspired against him, he burnt that List; which made those and their families his friends. If such think themselves bound in conscience to bring in King *James*, they will take this Oath to bring him in. Those who brought in King *Charles II*, valued themselves upon their Abjuration of him. Upon the whole, I am of opinion that this Bill is destructive to the Government: I am against it. I have taken the Oath of Allegiance to King *William*, and will keep it; and I did in that abjure King *James*. I have suffered too much in the last Government, ever to desire it to come back.

*Sir John Thompson.]* One thing is missing in the Bill, that all the Lawyers in *England* swear to it; and then the Divines will not scruple it.

*Mr Harcourt.]* I will support the Dignity of the Monarchy under the Government: Could I believe this Bill would conduce to it, I should be as forward for it as any man; for, that person that will equivocate with the Oath of Allegiance there is no security in it, and but little in this. I have often heard, that we

have

have a powerful Enemy abroad, and a necessity to unite at home. This will endanger fomenting and increasing Jealousies. What we have done already does encourage our Allies, and deter our Enemies, and testify our firmness to the Government, by the great Sums of Money we have given to support it. I will discharge my Conscience, however I am mistaken. Such an unprecedented Oath will give occasion to think there is some defect in the Government, when such an Oath was never required in this Government to support it. Can we gain more Friends? Those who quietly obey it, naturally, if they suffer by it, will find means to redress themselves. You will make no Friends by it; you will make Enemies. I hope there will be no Reflection upon me, as against the Government, because I am against the Bill.

Sir John Maynwaring.] I will give you my private Reason, why I am for this Bill. Suppose you have a Member within these Walls, that should say, "If you will do as I would have you, send away King *William*, and send back for King *James*." I have an attested Copy of this Information of one of your Members.

Sir John Guise.] When I see a Gentleman give you this account, who is not likely to run away, I would have it heard on *Monday*; and I doubt not but you will think it worthy your care to know who this Member was. If he does not make this out, he is under your censure, and you may send him to the *Tower*.

Sir Charles Kemeys.] I know not whether the Member that said the words, may be here to-morrow; though, I believe, *Maynwaring* may be here.

Sir Thomas Clarges.] This is an aspersion upon the whole House. For your own Honour, if there be such a rotten limb, let him be named and cut off.

Col. Birch.] 'Tis not to say, "Name him, name him;" But things of this consequence are determined by a Question.

Sir John Maynwaring.] Now I am commanded by the House to name the person that said the words, I shall

shall do it. The reason why I did not name him was, because persons have sworn it. I cannot assert the Truth of it; but the Gentleman is Sir *Thomas Grosvenor*.

Sir *Thomas Grosvenor*.] There was a Bricklayer in *Chester*, who said, "He heard me say some words, when I stood for Parliament-Man." Alderman *Streete* took the Examination of the Man; he was privately examined. On *Sunday* morning I heard of it, and came to *Chester* in the afternoon; and several Citizens professed to testify, upon Oath, what this fellow was. He was bound apprentice to a person in *Chester*, whom he robbed, and another at *London*, and then turned Fortune-teller. He came to *Chester*, and nobody would employ him, he was such a lying fellow. I caned this fellow for ill-work he had done for me, and he swore he would be revenged of me. Alderman *Streete* threatened to lay this man by the heels, if he would not swear against me—He sent the Examination to Lord *Shrewsbury*. Col. *Cholmondeley* carried the Letter to my Lord, and the Examination, which attested the villainy of this fellow. I entered into a Recognizance of 5000*l.* to clear myself.

Col. *Cholmondeley*\*.] I am sorry this thing has been mentioned. Lord *Shrewsbury* told me, "That Sir *Thomas Grosvenor* need not trouble himself; for this was some Quarrel only about Elections."

\* Brother to Lord *Cholmondeley*, made Cornet of Horse in 1685; and on King *William's* Accession, appointed a Groom of his Bed-chamber. He served in all the Wars of that Reign; and, at the Battle of the *Boynes*, commanded the Horse-Grenadier Guards. Also at the Battle of *Steenkirk*, in 1692, when the King attacked the *French* Army in their Camp, he particularly distinguished himself, and was wounded. In 1697, he was appointed Brigadier General. In 1702, (1 *Anne*) he was constituted Major-General, and Governor of *Tilbury Fort* and *Gravesend*; and the next year he

was declared Lieutenant-General of Horse.

On the Accession of K. *George I*, he was continued in his Posts, and soon after he was created a Peer of *Ireland*, by the Title of Lord *Newburgh*; as he was, in 1716, of *England*, by the same Title. In 1724, on his brother's death, he succeeded to the Title of Earl of *Cholmondeley*, and, soon after, was appointed Governor of *Hull*, &c. In 1727, he was made General of Horse; and, in 1732, Governor of *Guernsey*. He died in 1733, and was father of the present Earl.

Mr Shackerley.] I must justify this person—Because he would not take the Test, he was turned out of the Army—A Letter was sent from Captain Middleton, to cast Bullets, for the Army, out of the Lead-Mines; and this Streete made use of the Letter for casting of Bullets for King James.

Sir Robert Cotton.] I know, this Streete did promote the busines, when the City of Chester declared for the Prince of Orange.

Mr Wharton.] I am sorry when there are any personal Reflections in this House; but if you cannot get off from it at present, appoint a day. The Gentleman is not accused by Maynwaring; but, for his justification, hearing this thing, he thought it his duty to acquaint you with it \*.

Sir Henry Goodrick.] My Opinion is, that this Bill is dangerous. This began the Barons Wars; but in those great Changes none of these Cures were ever attempted. The Possessor of the Crown ought to be obeyed. When you abjure a Government, you abjure your Lands. A man cannot say, he will abjure against God's will. I am as free to serve this Government as I was forward to bring it in. This is an Abjuration that I cannot say I can maintain: Abjuration is a renunciation of all protection that can come to me. Though some men will swallow Abjuration of the Royal Family, under a Branch whereof we sit, those of the Church of England will not do it. The utmost necessity made me break my Oath to King James: It was utmost Necessity, and those are terrible things—Upon the Revolution, Gentlemen could not dispossess themselves of the obligation of former Oaths—I will come closer—This Oath is to renounce and abjure all Allegiance to King James. The Oath of Allegiance to King William was generally taken all over England; and, of Ten Thousand in Holy Orders, not above Eighty have refused it. Those who were for a Regency, I did not join with—As Christians, we ought to bear with one

\* No mention is made of this in the Journal

another;

another; but two of your Members refused the Oath\*; one whereof was a man of great integrity, and known honour in his Country. That was a positive Oath; but when it is a Negation [the case is altered]—In the Revolutions of *Naples* and *Sicily*, [there was no Oath given] It never took place among Christians, to make an Oath of Abjuration. This being so, what necessity is there of this Oath for us, more than all the World besides? Is not your Oath of Allegiance sufficient? I cannot answer how a negative Oath may garble the Nation. I am a Counsellor, and am bound by my Oath to die for the honour and safety of the Government. In so near a Post to the King, I must do for his honour and safety, and the Kingdom's. To give power to a Justice of Peace (as by this Bill) to send a man to Jail, without Bail, is the highest point of Tyranny. Let it not be in our power to tyrannize over one another. I would take it into consideration to secure the Government; but, in the mean time, to reject this Bill.

Sir *John Guise.*] You are told, “That, in the Revolutions of *Naples* and *Sicily*, there was no Oath of Abjuration given.” None but have heard what the *Sicilian Vespers* were—*Augustus Cæsar* had a List of those who conspired against him—He would know, whether *Lentulus* and *Antony* were against him—Or whether a King *James* in *Ireland*. His business was, who had no Right to the Crown, to oblige people to join with him to enslave the rest. I have heard a Lord speak of “an Original Contract.” What have you done in this?—If no Contract be broken by King *James*, you know the consequence—If King *James*’s going into *France* is in the nature of a Demise, you know who must be King. If that come to be debated over again here, you may lay such stumbling blocks, that you may see Enemies rise, with Swords in their Hands, before you know you have an Enemy. ’Tis said, they will submit; but it is because they see a greater power, when the Oaths come to be published. When I come to

\* Lord *Fenfaw* and Sir *Henry Monson*. See Vol. IX. p. 242-4.  
VOL. X. G abjure,

abjure, I will abjure; I have not forsworn myself. I am absolved from my Oath, when it cannot be maintained—You will keep a reserve for King *James*, if he get the better; but I will either live or die with this Government. If you will not own yourselves, will people own you?

[Sir *Thomas Lee*.] The Question is, for committing the Bill. There are many things in the Bill fit to be altered and mended, that I do not like indeed; and, I think it too large in putting in “Ecclesiastical Persons.” I think it fit, that those in Employment and Offices give Security to the Government. I am sorry there should be such an expectation of King *James*, that men should not renounce him. We used to say that Allegiance follows Protection. As to the Reverend Clergy that took the Oaths, it seems to me but a repetition of the Oaths; and I wonder that Gentlemen, by the same reason, are not against the Oaths and the Test to be taken in every new Office. The Oath of Abjuration was tendered to General *Monk*; he would not take it—It was imposed by a little Party here, and a few crept in together, but was not imposed upon the generality of the Kingdom. What was that *Diana* of the Covenant-Renunciation but a kind of Abjuration? This is not so now in *England*, as Gentlemen would seem to have it. I would have it so understood and declared, that we may provide against them and him, by renouncing such obligation. This Debate seems to me to be more necessary, by what I have heard, when I am told, that men in Employment drink King *James*’s health. As for new distinctions, what else were the Tests for, after the Oaths of Allegiance, whilst great men in Power drew men into Power? But their Power sunk by the discountenance they gave to their old friends the Cavaliers, who might have been useful to them afterwards—What security can persons have, that obliging will not tie? The King shows you, that he is not ignorant of designs on foot of secret Enemies. The way to have fewest Enemies is, the speediest dis-

discoveries ; and that those in Employment and Trust in the Government declare they 'have no expectation, no desire, of Change in the Government.

*Mr Roberts.]* There is a third thing, called Interest, makes men stick to a Government.—I am attainted in *Ireland*. I came in with no Opinion of this Bill, and I am now confirmed, that you reject the Bill.

*Sir Tho. Clarges.]* The 27th of December, [1688] you attended on the Prince of *Orange*, and thanked him for his Expedition, &c. And then we asserted all our Rights, and then made a Tender of the Crown, and the Oath of Allegiance we have all taken, which is a Renunciation of King *James* ; and it bears a just interpretation. Do you think the Government is yet insecure ? In your Act of Rights, you did declare him King, and swore Allegiance, &c. and I think the Act of Recognition did rather weaken—Where you put a Buttress, there the Building is weak. What say the *Jesuits* ? “Let them alone, and they will fall out among themselves ; and King *James* will come in :” And nothing will tend more to bring in King *James* than this Bill. I am for the Government, and I did take the Oaths conscientiously, and will. No ambiguous Oath was ever taken ; but when we come once to distinguish a Title, then we have Bill after Bill, to explain we know not what. The short Oath of Allegiance was a good and a wise Oath. The Bills for Money are depending, and this comes to interrupt them ! I humbly conclude, that this Bill may be rejected.

*Sir Thomas Littleton.]* It had been a great deal more ingenuous to have brought these objections upon the bringing in of the Bill. The Government being crazy, I would have Buttresses to support it. The Government was never asserted by the Churchmen, till *Magdalen-College* was touched. They have a notion in their heads of the Great *Turk*, that if they may be Bashaws, they will swear Allegiance to the Great *Turk*. If this Bill will bring in a Common-wealth, I am against it, and I cannot believe such a man (as

*Charges*) is in earnest, when he says so. We have had one Revolution, and, that we may not have another, I am for this Bill.

Sir *John Lowther.*] I speak now with great difficulty. My heart and judgment goes along with most part of this Bill, and I am content to be a Martyr for it; but I have a great deference to unity. Totally to reject this Bill, after our Votes are gone abroad of the first reading, may have no good effect. On the other side, to go against the grain of so many worthy Gentlemen, who would live and die with the King, is inconvenient. We have the example of a man of great authority (Lord Carmarthen.) I would have it fortified with such authority—There are Conspiracies among Protestants as well as Papists. I fear the Oath taken to abjure King *James* is not for Love of this King, but to abjure all Kings. I would not put so great discouragement as totally to reject this Bill, but you may model it. It may lie upon the Table, or be referred to a private Committee; but I would not instantly commit it to the whole House. Change the Abjuration into “Not assisting King *James*.” He that agrees not to keep him out is not fit to be in the Government; but I do not desire that to be imposed upon every body, but to own the Government, and promise not to bring in King *James*. Consider the condition you will be left in; the King in *Ireland*; and, worse than all the rest, the Government will be left precarious in the hands of People, whether they will lend Money for the Army or Fleet, and all may be lost; and they descent, “That the Parliament would never reject this Bill, but for some uncertainty in the Government; and we will never lend our Money;” and the consequence may be, the Army will be upon free quarter, and the Navy not go out. Take it thus far into consideration; try if you can moderate the Bill to satisfy; and possibly, with a little pains, it may satisfy all persons.

Sir

*Sir Robert Howard.]* I shall speak with all the deference to every body that differs from me, that is fit. I know not what *Lowther* means by his “deference to a great Man,” whom he names not. You are told, “This Renunciation is a new thing;” but Church and State can never be safe without it. What is your Religion, your Allegiance, but a Renunciation? The old thing you ever have done. What are your penal Laws, and Test, but a Renunciation? 'Tis the whole Government, and protection of Church and State. I believe it in the Peoples hearts already; and they may else renounce you, and go into a Commonwealth. I would not try whether we have Enemies too many, and Friends too few. I would rather know my fate, than silently live under I know not what. Consider what Renunciation is; you remove a King, and one may be King again. This being so, you have more cause now than ever to think of a Renunciation. The King goes into *Ireland*; and if King *James* should come here, and take possession, this will take that off from those that think themselves yet free to join with him. The people who generally lend Money in the Exchequer, are not people who expect that King *James* will pay them again. A Renunciation of all hopes of King *James* is the subject of the Bill.

*Mr Ettrick.]* When this Bill is laid aside, you may order another; but not for Justices of the Peace to imprison when they please. I can readily come up to this. I hear the Church mentioned: I fear it may be a Church-Trap. I should have been glad to see “the King's Heirs and Successors” in the Bill, that Monarchy may be supported by it. When the Rump-Parliament came to be in the feeblest condition, then came the Abjuration of *Charles II.*

*Mr Powle, Master of the Rolls.]* Nothing is more natural among private persons, and the Government is to take the most natural way to preserve itself; and this is nothing but a zealous support with vigour; and therefore not only by Punishments, but the way has

been taken by Oaths to preserve the Government. This Oath is to no other end than to respect those who are to be employed in the Government: 'Tis not universal, to peep into mens consciences that live peaceably, but that they who are to act ought to be zealous in it. I will not go so far back as the Wars of *York* and *Lancaster*. The Oath of Supremacy and Allegiance was perfectly an Abjuration of the Pope, and all his power, in *Henry VIII's* Reformation, when there was no prospect of opposition; but when there are pretended Titles against the present Government, 'tis reasonable to make men renounce them. "A King *de facto*, and a King *de jure*"—whoever mentions that *de facto* implies another *de jure*. There are two Allegiances in that case, and therefore fit to stick to one. To obey the King *de facto*, is no other than to obey till I have power to rebell. To let them go abroad, and scatter this fire, you will restrain! I should be very sparing to impose this Oath on any but in Offices, but to have a discretionary power to give it. All Governments do it; and you must do this, if you will preserve it.

[Sir *Joseph Williamson*.] It has been long known to many Gentlemen, that I have as much zeal for the Protestant Religion as any body. 'Tis unfortunate, when things are brought on suddenly, by surprize. The Question for this Bill came in in an angry time of day, when you were about the City Address. I shall ever be for keeping off from Heats and Parties, I cannot but observe, that it came in upon resentment. I went out for the Address, and against this Bill; but I see plainly, it resents matter of party and distinction; and, however well intended, it seems to be designed against one sort of persons. I take it, the Church of *England* is as sure to this Government as any other part of it. 'Tis their interest and preservation to despair of possibility of living under a Popish King. None did their duties with more courage than that body of Men,

Men, nor suffered more deeply. The Popish Party supported the lowest sort of men (the Quakers) to take them into their Party against the Church of *England*. I say to this Bill, the scope in consequence of it may weaken hands; 'tis not necessary, and therefore not advisable. I would have a day set to secure the Government against all ill-affected persons. Now the King is going for *Ireland*, we have no account of the Militia. Seeing it is not done elsewhere, I move for a day to consider it, "to secure the Government against all ill-affected persons."

Mr Comptroller *Wharton.*] What fell from *Williamson* calls me up. It must touch upon me. This Bill was moved for by one and another; and I thought fit to follow it; and you might have rejected it upon the first Motion. We are in an actual War against one that was King, and some hope may be. This Bill is not against the Church of *England*. If any be against the Government, and this King, 'tis that Party, be it where it will, against which the Bill is intended. If it be left on your Books, that this Bill is rejected, I hope those against it will not be ashamed to let their Names go abroad.

[The Question for committing the Bill passed in the Negative, 192 to 178: And the Question for rejecting it passed in the Affirmative, 192 to 165.]

Monday, April 28.

On securing the Government.

Sir *Joseph Williamson.*] That Power I move for now, was formerly used and exercised in the Government; and if there be not some extraordinary Provision made, on extraordinary occasions, to lodge such a Trust, for some few months, against such persons as shall be justly suspected to conspire against the Government, to support the Government that has redeemed us from the danger of all our Rights, secular and divine, we are to despair for tolerable terms to live and breathe

in, without such helps. No man will use that for his constant diet, that is his physic when indisposed ; and I foresee that such a censure may be made upon this. In all Parliaments, they have found it necessary to lodge a Trust in the Crown : As when in *Henry VIII's* time there was a power *pro interim*, by Proclamation, &c. and a disposing of the whole Succession of the Crown, in the Recognition of Queen *Elizabeth*, 'tis taken notice of, " That that Law of *Henry VIII* shall be a Law in the Government for ever." Let no Gentleman think hardly of this Motion : I do not doubt but you will have a return suitable to the Trust. My Motion is, (and perfectly for righting myself, and the Gentlemen that voted with me on *Saturday*, that we lie under no misconstruction without doors,) " That a Power, for some few Months, be in the Crown, to commit Persons for treasonable Correspondence against King *William* with King *James*, without Bail."

Sir *John Thompson.*] If nothing but the Danger of the People will be the Security of the Crown, I fear we are in an ill condition. You did not give Power in the Privy-Council for six to commit without Bail : [Yet] they had the confidence, the Parliament sitting, to imprison one of your Members \* (*Lord Danby.*) Give me time, and my family, to go out of *England*, and pass this Act (moved for) with all my heart.

Sir *Edward Hussey.*] If there be such Counsellors about the King, as to advise him to bring over *Lord Dumbarton's* Regiment †; and if [there be] such Lords about the King, as say, " The Act of Recognition is neither good-sense nor reason ;" I desire not to trust such with so great a Power as is moved for.

Sir *William Whitlock.*] I never thought of such a Motion to be made as came from *Williamson* ; and I hope that no *Englishman* will give his consent to it. I will not trust the Government with six Privy-Counsellors, nor six-score. 'Tis strange that the Government

\* See Vol. IX. p. 356, &c.

† This Regiment had been sent over to *Holland*, for being concerned in a *Mutiny*. See Vol. IX. p. 164 5.

of *England* should be brought to that pass, to be inconsistent with the safety of the People.

Sir *Henry Goodrick.*] There was a Bill brought in to secure the Government, by an Oath of Abjuration, &c. 'Tis now proposed, that, after all the Informations of caballing against the Government, both by Papists, and worse, there seems something wanting in the Law to secure them. Let Gentlemen, who were engaged in the last Revolution, consider, if King *James* had pursued the advice, to have sent for the Heads of Parties against him, and clapped them up, where had the Revolution been? We have Informations out of *Lancashire*, a chain of intelligence of persons plotting against the Government; but they are all gone, the birds are flown; and the King going now upon a hazardous Expedition, there will be a great check upon proceedings, without this Bill, for the Queen to govern in his absence. If your Militia be in so ill a condition, that they have no Arms nor Ammunition, what remedy is there but this Motion for suspension of the *Habeas Corpus* Act but for a few Months, not perpetual, nor final? My request to the House is, as you tender the safety of all that is dear to you, that such a Power may be vested. I, as an *Englishman*, ask it, and dare ask it.

Mr *Harcourt.*] As we are sent here to preserve the Liberties of *England*, so there is no greater security for them than this Act, and I think I have acquitted my trust very ill, if I give it up; a "security," a Member told you (*Clarges*) you had struggled many years for, and it is that now we contend for. It has been already suspended three times, and now you will do it a fourth! Suspending it thus upon every occasion will, at last, amount to a repeal. At this particular time, now we have an Army of Foreigners in our Bowels, we should rather increase our Liberties than diminish them.

Sir *Christopher Musgrave.*] There was a time when the Subject was removed from one Prison to another, and

and the Act evaded, though at the last he obtained this Act, which makes a penalty upon the Government that refused it. Are we entrusted with the People's Liberties, and shall we thus part with them? If there be a suspicion upon any man of disturbing the Government, the Law justifies clapping him up. There is no end of this; the Nation in fear of one man, and another that is disaffected to the Government, is clapped up in Prison to endanger his health, and ruin his fortune, and destroy his reputation in the Government—Who will deal with them? I will not, I assure you. We have laid a load upon our Estates, and now to lay a weight upon our Liberties!—No; I am not for that. That Government is precarious that must be supported by taking away the Liberty of the Subject.

Sir *Robert Rich.*] I was one that vowed never to give my consent to the suspending that Act; while I live, I shall ever make it my Darling. It was thought then necessary when we parted with it, but those that were to be clapped up by it, walked in the Court of Requests, and nothing was said to them. I am subject to the Law, but would have no Law strained upon me.

Col. *Granville.*] I am surprized to hear a Gentleman so forward, t'other day, to lodge a power in two Justices of the Peace to give the Oath of Abjuration, and now not to give this power to the King's Privy-Council. If men will not renounce King *James*, there ought to be a power to secure us from known Enemies, and because I would not put Arbitrary Power into any man's hand, I shall propose an Oath now, which no man will refuse; “To swear to King *William* and Queen *Mary*, their Heirs and Successors, according to the Act of Settlement the last Parliament, against King *James*, and his adherents.” We have found the name and effect of tyrannical King *James*, and I hope we shall defend ourselves from the return of it.

Sir *Robert Rich.*] I am one of those who make no difference

difference to swear Allegiance to this King, and to renounce King *James*; but as to imprisonment without Bail, I intended not to come up to that then, nor ever will.

[Sir *John Lowther*.] I hope you will believe that I will do nothing to destroy the Liberties of the Nation; but am for suspending any Law, when the safety of the Nation depends upon it. I will not say where the fault lies, that the Nation is under these exigencies, but one reason is, that Judgments are not united, and, where there are divisions, it is impossible the public service can go on. Where a man is willing to sacrifice all, he is never so secure but he may have the censure of one or other, though I am satisfied in my conscience I do not deserve it. The Government is in necessity, and at a stop—There is Credit given, but, after all, when we do that which destroys it, that Credit will be ineffectual. What I told you before was, that whether they judge right or wrong, if there be designs, and if any thing here seems to countenance the designs of K. *James*, they will not lend Money, and it will be impossible to defend ourselves. The Oath of Abjuration is too extensive, and might have been mended, and since, nothing comes to supply it, and the Vote is gone over all *England*. Every body abroad makes not the judgment of it that you do; and, if you tell them you had no such meaning, but to support the Government, and tell them all the arguments; that the House of Commons wanted Precedents to do this, &c. but by their Representatives in the House of Commons, that goes abroad as the honest meaning of the Gentlemen here—This being your case, and as the Government must be carried on with Credit, I shall offer to propose something for your security; that something may be done to those we represent abroad, as well as our own safety within these walls. Every man ought to swear to be true to the Government, and not to take up Arms against it. Time, place, and circumstances, give the force to actions.

actions. All this considered, I desire you will give leave for such a Bill, to empower the King to imprison such as he suspects, and an Oath to all in authority, not to aid King *James*.

[Sir *Edmund Jennings.*] I was of King *James*'s Parliament, and the first that took Exceptions against his Speech. I was against the Bill of Abjuration on *Saturday*, and for one reason, though not mentioned, and it was for the sake of the Dissenters. How could it be supposed that they should take such an Oath, quite contrary to their Address to King *James* before? And they will be as ready to take an Oath against King *William* upon occasion. It is the Monarchy that is aimed at. I am for a Bill of this nature, and an Oath, as has been moved.

[Sir *Edward Seymour.*] The Debate now is the effect of that on *Saturday*. I did not like the proposition then, and do as little affect this now. I shall be glad to return their kindness, and speak some of their arguments to-day. One would repeal the *Habeas Corpus* Act, and have another Oath—I take it only to be a way to make way for dispensing with the *Habeas Corpus* Act. You have been presented with several reasons for it; though Gentlemen did so mistrust themselves, that they did not name them. The Liberty of the Subject is always under the care of the Law, not to be imprisoned without a cause. A Lord anciently could not imprison his Bondman without cause, and our Ancestors were very improvident, if they left others the liberty of our persons: For the same necessity opens a door for my goods and lands as for my person—Here is an expedient to prevent assisting King *James*. Can it be imagined either of Papists, or those of particular dependencies? As for the Papists, the Law against them already is so far from persecution, that they are under the favour of the Laws; and as for those of dependencies under that unfortunate Prince, it is strange they should now, that are under no reward but a halter. You must like the security where it

it is—I am glad sending us to Jail is an Abdication of that misfortune. What has risen from it, but a necessity of taking up Salt-petre at their own rates ; to pass through mens grounds with the guards, &c. against their consent, to *London*, and the next to go to Prison ? We are for Abjuration one day, and prepare Heads for it, and give our Votes against it the next. Can I have any mercy from King *James* for entering into the *Exeter Association* ? Yet now I can scarce be cleared from being a *Jacobite*.—Either a *Sheerness Plot*, or a *Cheshire accusation*\* (*Maynwaring*.) It may happen, that a Privy-Counsellor may owe me ill will, and imprison me by this power. Is this the way to pay Debts, or to get Security ? I think, by suspending the *Habeas Corpus Act*, all our Liberties have been lain with three times already ; make her not a common Strumpet.

Col. *Birch*.] I am an ancient man, and I believe you will think me subject to jealousy. I had many a thought in my head on *Saturday*, and you shall hear some of them presently. This power (moved for) is for the King, and some choice Counsellors. How has this grown a hard game before you, by some of great wisdom at the beginning of this game, else things could never go as they did in *Ireland* and at *Sea* ! I waited, and knew the conclusion would unriddle this busines to you, and myself—Some, when we parted last, were of my opinion, that if things were managed a second year, as we had done the first, we should not have a third. If we had gone in time into *Ireland*, it had been reduced without fighting ; there was no way to bring in King *James* ; and presently then, in the midst of this great busines, to prorogue the Parliament ! Then, as to the Dissolution, this was done by the choice Council ; and what is to be done now ? There is a great deal of tenderness and earnestness for the King to go into *Ireland*, and we are as ready for King *James* to come hither, as for King *William* to go

\* See Page 79.

thither.

thither. It must be the fidelity of the Privy-Council that you must trust, and pray how has it been shewed?— The Army is to come out of *Flanders*, and those white Boys are to be our security, and those that will, let them take it—I do not doubt, but the Gentlemen that make you this Motion, will propose something more to your satisfaction. I shall never be brought to an opinion to trust those Counsellors who have so ill acquitted themselves. Pray throw out this Motion by a Question.

Sir *Thomas Clarges*.] The truth is, the Nation is in a sad condition, but I think not such a dissatisfaction in it, as to have no money lent. They in *London* have offered to lend as far as your Fund will bear. I do think the unsuccessful measures in the Government will make despondency in lenders. I made a proposition in the last Parliament (it was made ridiculous, but it was approved afterwards) to be in the field before King *James*, and then we had been masters of *Dublin*. I do not believe we are in such security, as not to make provision for some such thing as this Suspension of the *Habeas Corpus* Act. If Treasons, or such faults, are committed, by 7 King *James* I, Chap. 6, if any refuse the Oath of Allegiance, &c. Our distraction is so great, and our condition so doubtful, I know not what to move. In Queen *Elizabeth*'s time, the Pope's Bulls were set up, and the Queen of *Scot*'s party were conspiring—Secure the Government, and by that example do something for the preservation of the Government.

Sir *Thomas Lee*.] I am afraid we are going out of the way of Parliament. Let a Gentleman move what he will, when the Debate grows to a head, out of that you must collect a Question; all are desirous that you should state a Question, but you may have liberty to alter it. I am sorry to hear the Funds will bear no more than 220,000*l.* That the Funds are not full!— I could wish there are no worse reasons why men should not lend money.

Mr

Mr *Hampden.*] I am sorry for these heats. Once an unhappy Nation, the *Jews*, were cutting one another's throats, when their enemies were at their gates. Sometimes we are for swearing, at other times not, and in confusion. I could not be against the effect of the Motion, for some Security to the Government: "No, we will not do that, but we will throw this Question out of doors, and have no Suspension of the *Habeas Corpus Act.*" I think that Act the most sacred we have; but I have seen great infringements of that Act, and there have been ways to evade it; as, a man to be bailed at 4,000*l.*, and I ask 40,000*l.* These have been ways found out to break it. I would have none of these: I am for the thing; but what will be the meaning of your Vote? I know, Letters have been taken of treasonable Correspondence; but it is against my Conscience, for men to be put to death, for what they might, in another reign, some time ago. Had you not better be at liberty to propose any thing, than have a thing lie in the way upon every Debate? Before you adjourn, pray consider of securing the Government under the King and Queen.

Mr *Ettrick.*] In the last Parliament, I bore my Testimony against this Suspension, and expressed myself against it. Your first Vote was, not to suspend the *Habeas Corpus*; therefore put a Question that no man can differ from, and I do not doubt but your Liberty may be preserved, and the Nation's.

Col. *Granville.*] That the refusal of the Renunciation, &c. may not be resented abroad—I hope nobody will be so angry as to let the Government fall—if it be preserved, I care not in whose Hands, if I shall reap the benefit, though I had not the honour to contribute to it.

[In the Afternoon, the House attended his Majesty, and presented their humble Thanks for the great care he has expressed of the Church of *England*, in the late Alterations he has made in the Lieutenancy of the City of *London*. To which his

Majesty

Majesty was pleased to answer (as reported next day by the Speaker,) —

“ Gentlemen,

It shall be always my endeavour to employ such Persons as shall be most serviceable to the Church and State.”]

Tuesday, April 29.

In a Grand Committee, on securing the Government under King William and Queen Mary against the late King James, and all his Adherents.

Sir Edmund Jennings.] I would have the Militia considered, that there may be some way to call them together for some farther time ; and as to the Papists, that they stir not from their Hous-es.

Sir Thomas Clarges.] You have been moved very well, “ That the Deputy-Lieutenants, &c. may draw out the Militia for more days than are allowed in the Act.” They are impowered, notwithstanding the Month’s Pay to those who advanced it.

Serjeant Maynard.] If you would defend yourselves from Danger, consider what that Danger is, and the cause of that Danger. The Militia is in very bad condition. You have a great Enemy, the French King, and all the malice imaginable against you from a potent Adversary—The Oath is but Security to perform our Duty ; but, when conquered, 'tis no more our Duty ; it would make a mad World, if otherwise. I would have an Oath, “ not to hear or know any thing prejudicial to the present King or Government, without discovering it to some Privy-Counsellor, and to have no Correspondence or Pension from the French King.”

Col. Granville.] When I heard the Order of the Day read, I thought our Safety so much concerned, that, instead of breaking a Jest, (Napier) every body would rather contribute to the general Security. The Order of the Day tells you of one of your Enemies, your chiefest, King James. The Business of the Day is to find out his Adherents. For ought I know, they

are

are here, and there, and amongst us ; perhaps in the very Militia. These two or three days Debates convince me, that there is no Test great enough, but wherein King *James* is named ; and those that will not declare against him, I shall always think Enemies ; and I hope, now we are rid of him, to keep ourselves upon a Protestant foundation—You swear, and subscribe a free Declaration of your Intentions ; they are concerning theirs as well as ours. You must secure some of them, and let this be tendered to People suspected, not with that Latitude, that Justices of the Peace may tender it to whom they please ; but that the Queen, in the King's absence, may cause it to be tendered where there is just cause to suspect. When a man has once given security to the Government, he cares not how often he repeats it. The business of the Day is, to fortify ourselves against our Enemies, that Papists give security to the Government, and that Protestants go not about the Streets to corrupt People against the Government. I therefore move “for a Test against King *James*.”

*Sir John Thompson.]* My Motion was, “ To take the State of the Nation into consideration ;” 90,000 men, that are their own Masters, will make every body afraid of them.

*Sir Joseph Williamson.]* This day looks melancholy ; many worthy and judicious Members sit silent, and are not helpful. 'Tis moved, “ To consider the State of the Nation,” which is not only the greatest, but most powerful—but the greatest of all misfortunes is, to be divided at home—If we do not discover before they begin insurrections, it will be too late to suppress them. I hope for better effects abroad, if we do something of this nature, a tye between Sovereign and People suitable to the great Revolution. I wonder that the Oaths of Allegiance we take to the Crown, did not tye People to defend the Crown, and that might answer the intention of the Government.—I would take in the Quakers ; they were in with King

James, and are Factors for him still. I would have them protest and declare, subscribe and renounce all Correspondence with the King's Enemies, and particularly with King James, and the French King, and all their Adherents; and I wonder how this was left out in the last Oath. Do something of this in the first place, and then in the Militia.

[Resolved, That it is the Opinion of this Committee, That, as one Head of a Bill for securing the Government, &c. by Order from their Majesties, the Lord-Lieutenants and Deputy-Lieutenants be impowered to draw together the Militia, with a Month's Pay, notwithstanding the Month's Pay already advanced to the Militia be not yet reimbursed; and for a longer time than the Law already allows.

2. That, as another Head, all Papists, or reputed Papists, be obliged forthwith to repair to and continue at their respective dwellings; and not to depart from thence above the distance of      miles, without Licence; and that, if they be found at a greater distance, they be taken to be Papists convict, to all intents and purposes whatsoever.

3. That, as another Head, a Test, or Declaration of Fidelity to the Government under their present Majesties King William and Queen Mary, against the late King James, and all his Adherents, and all other Enemies to the present Government, as it is now established in Church and State, be enjoined to be made, repeated, and subscribed by all persons above sixteen years of age.

Which being reported, were agreed to by the House; and a Bill was ordered to be brought in accordingly.]

Wednesday, April 30.

An ingrossed Bill from the Lords, for the exercise of the Government by her Majesty, in the King's absence [commonly called "the Regency-Bill,"] was read the second time.

[Mr Hampden.] This Bill is of great importance, and of great necessity. Something, and something of this purpose, must be. This is to be done, and very hard to be done. If the Bill go away as it is, I doubt it will be a little troublesome. The King gives out the Commissions to the Justices of the Peace. If the Administration of the Government be solely in the Queen, will

will those old Commissions stand in force? Will it not be in the nature of a Demise, a kind of *interregnum*, till all the Commissions of *England* be renewed? They are not signed by the King and Queen, but signed only by the King. I know not which way to offer it to you, but I doubt it will make a Chasm in your Affairs. If this be worthy your consideration, I hope Gentlemen will speak to it.

Serjeant *Maynard*.] 'Tis worthy your consideration, what Council the King will leave with the Queen. If the Bill pafs as it is, all the Justices of the Peace in *England* are none. I think, for my part, that they are determined. There must be some provision, that those Commissions do not determine. All the Regal Power now is acted in the name of the King and Queen; as this Act is now penned, how can any man distinguish those in the whole Regal Government? Another thing;—in the King's absence, do you take all power from the King, that he can do nothing but by Commission from the Queen? This is of vast consequence, in a hot War with a mighty Power, and all that is done in the name of King *James*. This makes the King no King, and the Queen no Queen.

Serjeant *Tremaine*.] I have looked upon this Bill to be of great consequence; and great care must be taken that we have some Security in the King's absence. There are some Objections against it. I find the Bill says, "The Regal Government of *England*, and Dominions thereunto belonging, shall be in the Queen." [By this] 'tis a great doubt, when the King comes into *Ireland*, whether he has any Power at all in *Ireland*. *Ireland* is but an Appendage to *England*, and no other person can have it but the Queen; so that if the King comes into *Ireland*, that he may be in a capacity to do something, it will be your wisdom to put it out of all doubt. The Bill says, "The Administration shall be in the Queen;" if she dies, what then shall become of the Government? Here will be a Failure, and a Stop.

*Sir Robert Sawyer.*] All that Objection may be easily obviated, leaving out the word "Territories;" when it comes to *England* and the Plantations, "Territories" makes it very doubtful. Then there is another Objection, "What if the Queen die?" But that runs to whomsoever is made *Custos Regni*; and, no doubt, there is a ceasure of the Administration. A *Custos Regni* has been settled by Act of Parliament; and the same Objection made then as now. Another Objection is made, "That the Commissions in the King's name are all determined;" of that there is no colour. All Commissions are from the King and Queen; if once under the Seal, 'tis a sufficient Authority for all persons to act. The *Custos Regni* never removed any Commissions; they all run in the King's name. The Administration is nothing but to make the Great Seal speak. If you make that Alteration I mentioned, I believe there will be no dispute.

*Sir John Guise.*] 'Tis absolutely necessary, that this Bill be committed. I think *Sawyer* does not take it right; and possibly I may think as well of some, as of some others. I should be glad to hear, from the learned Counsel, whether these Commissions cease, or not? I desire you will consider it a little longer.

*Earl of Ranelagh.*] When the King is in *Ireland*, he gives Commissions as King of *England*, not as General of the Army, surely.

*Col. Birch.*] To my mean capacity, this is a most dangerous Bill, and I do not know who is safe under it. The King's going into *Ireland* is another thing than if he had gone the 10th of *March*. The difficulty and danger is greater, and such an one, as we stand in relation to our own differences, and the power against us. We have a brave Army, a gallant Army; but so disappointed, that I fear the consequence; And should the King be in *Ireland*, and cannot come over to us, upon occasion, what condition are we in!—Your Commissions voided all in a lump; and who shall those Commissioners be that must turn the whole in the King's

King's absence? From what has been done, you may guess what will be done. By what has passed already, I am of Opinion, that the Bill is impracticable, and I would lay it aside.

*Serjeant Blencoe.]* It is said, "The King leaving the Kingdom, all Commissions cease." In answer to voiding the Commissions, 'tis said, "That those Commissions continue :" But when the King is gone, it determines that Power. All those Authorities derived from those Commissions cease, because the Authorities cease.

*Mr Finch.]* I stand up for Commitment of the Bill. I desire those Gentlemen to declare, whether the Queen be declared a Subject by this Bill?

*Sir Robert Howard.]* I think you may declare the King as well no King, by the Bill.

*Sir Thomas Lee.]* 'Tis of some use, if things be opened before the Commitment, in order to improving your thoughts. All agree, that it will be a great difficulty. I consider this Law of transferring the Administration; 'tis a new word, but will carry all the Rights along with it, as if the Crown had descended. You are told of a Saving for *Ireland*; but there must be another Saving; for if *Ireland* be not reduced this Summer, we are all miserable. If the King can find it expedient not to go, it would be very happy; but, to reduce him to the necessity not to go, nor to stay!— I think, if the King should have advice of things from *France* and *England*, when in *Ireland*, I see no Power, by the Bill, that he has of one Ship. I would see, whether the Long Robe can bring this to the ancient Custom of Regency. What if this Bill had been turned to enable the King to make a *Custos* by Parliament? This is a hint to the Long Robe that I dare not venture upon. I would not interfere with the King's measures, which, I believe, are taken with great deliberation; therefore go into a Committee to-morrow.

The Bill was ordered to be committed.

[Ordered, That Mr *Rowe* (Member for *St Michael's*) have notice to attend this House, in his Place, on *Friday* morning next \*.]

Thursday, May 1.

In a Grand Committee on the Regency Bill.

Mr Sollicitor *Somers*.] 12 *Edward III*, the Duke of *Cornwall* was *Custos Regni*—The Duke of *Bedford*, the King's brother, was *Custos*, and left till farther Order.—33 *Henry VI*, *Custos* by Act of Parliament, with several other Precedents. 15 *Edward IV*, in his Expedition into *France*, *Edward*, Prince of *Wales*, was *Custos* during his absence, and till farther Order.—13 *Henry VII*, the King constitutes, in his absence, Queen *Catherine Gubernatrix Regni*. 14 King *James I*, in his absence, till farther Order, the Privy-Council were constituted, and no name given in the Commission, but to take care of the King's Children and Affairs. In *Charles I*'s time, the Council were impowered much as in King *James*'s time, all determinable *in absentia nostrâ in partibus transmarinis, et donec redier*: All those Powers to be exercised by a particular Council. In *Edward III*'s time, three Counsellors mentioned. In *Henry VIII*, *Gubernatrix Regni*, 'twas expressly appointed what Act she shall do by her own Power, and what by her Council. These I lay before you, and make what use of them you please. This is a new case, and like none of those I have mentioned; and we are in a Government but a year old. Any thing you do of this nature will be of great consequence; and, as this case is, to consider extreme well what is done. 'Tis discoursed of abroad, of a Commonwealth, and we should be very considerate in divesting and divesting. The necessity of a Change should be obvious and apparent to the World; so suitable and invincible, that it should always carry its own excuse along with it. I heard it mentioned yesterday, “ That all Commissions do determine upon

\* On a complaint of Sir *Edward Seymour*. See the Day.

this Regency :" But if it be a doubt, 'tis your great concern to obviate it. If some, in the King's absence, should refuse to act, and others to obey, 'twill be of great consequence to the Government; and some Question will lie as to the continuation of the Parliament : But, as to the King's exclusion of all Power, during this Regency, it was proposed, if you leave out some words, " it would be a cure, if the words ended there at Dominions, &c." Does it not carry all the Places annexed to *England*? Suppose any exemption to *Ireland*, that it should not extend to it, yet all doubts are not obviated. The King in *Ireland*, and the whole Administration of the Queen here—Whatever Necessity, or Orders, are but Letters of Intimation from one to another. If the King send Ships from *Ireland*, they have no sort of Authority to serve out of *Ireland*. These are difficulties. Give me leave to hint some things : The Bill says, " As often as the King shall be out of *England*, &c." I will suppose they go to be crowned in *Scotland*, all their Power ceases ; they are no sooner on *Scotch* ground, but all Regal Power ceases ; there should be some express Clause for resuming their Authority. 'Tis a nice distinction to separate Regal Power from Authority ; and since there are some Opinions in the World, that the King is only *de facto*— You have declared him King of Right—But if you look on printed Books abroad, he is made only King *de facto*, and King in Possession—I took the Oath in another sense, whatever others did. Perhaps some disaffected persons may not yet appear—If you place it in the Queen, the best Woman in the World, place it so clear, that there may be no doubt.

Sir *John Lowther.*] After the difficulties you have heard from the learned Gentlemen, no wonder I should doubt; but when we are in a plain, to run round and miss the way we may wonder. We are misled by the Bill, so far mistaken by the Lords, that if we pursue it, we shall be led into invincible difficulties. You are told, " That as this Bill is penned,

Commissions of the Peace cease." Where the consequences may tend, I know not, nor where it may end ; but all this may be obviated ; if all Acts of this Government may be good, and all hers may be so too, you may obviate in great measure the confusion. I offer, that, instead of the enacting part, you will declare, that all the Queen does, in absence of the King, shall be in the same force as if the King executed it—That by the Government beyond the Sea, the Ships are not restrained in Port, as well as in *Ireland*—One difficulty only, of several commands ; but there will be such a deference to the King's resolutions, that he will always be obeyed—And that, on the King's return, the Queen's power ceases, I think will be no doubt—All Acts done by her Majesty to be of equal force as if done by the King.

Sir *William Pulteney*.] The more I have thought of this Bill, the less I have understood it. I will not dispute what an Act of Parliament can do. It may have some resemblance of the great power of the World ; it may create, and uncreate. It may make the Moon shine, for ought I know—But we have the case of Lieutenants, Guardians, and *Custodes Regni*, but that is not our case. It was never before in the World. Here are a King and Queen, and a King invested with Regal Power, and you divest him, and put it into the Queen. The King can take no notice of what she does here. In the Queen is the Regal Power, as our Queen can or could do ; she may dissolve this Parliament, raise an Army, set out a Fleet. I know not how to qualify these things, but I see terrible consequences. When an Act of Parliament comes to terminate his power, I know not how that will operate on all Commissions. I know not but some men may have a strange notion, when the King is gone, that it is a resignation of the Crown. A King and Queen of *England*, and not in *England*, will be a strange composition. What authority will there be to send Ships out of *Ireland*? Though I think it

of mighty advantage that the King go into *Ireland*, yet this Bill is of so strange a composition to come from the Lords, and the Judges there, that this will have many more consequences than I can enumerate. My Motion must be this, to take three or four days time to consider of it.

*Sir Robert Sawyer.]* That it is necessary that the Government be left somewhere, all agree; and I cannot think any way but by something in the Queen's hands, &c. You have been told of Precedents, &c. That of *H. VI.* is not of this nature; for the power of *Custos Regni* is well known. In some Acts of Parliament, their power was limited. The *Custos* was but a delegate of the King's; though he might do Acts as King in such exigencies, yet he was excluded the King's power. The King cannot delegate his power, because the King and Queen must not give this power away, but by Act of Parliament. 'Tis not designed to exclude the exercise from the King, either in *Ireland* or *France*, but that there must not be a defect of the Administration, during the King's absence. The Crown and Regal authority are vested in the King and Queen. Though the King issues out the Proclamation, they are in the name of the King and Queen.

*Mr Pelham.]* Seeing the Long Robe are so full of doubts, we may very well, and they will not inform us. I move to let the Bill lie upon the Table till this day sevennight.

*Serjeant Maynard.]* This noble Lady, the Queen, has so demeaned herself, that there is not one Man nor Woman but will trust her. By the former Act, the Administration of the Government was solely in the King, and now by this in another, exclusive. No wise man will trust where he cannot remedy. The Precedents spoken of are like making a Map of a Country which we have never seen. There was a *Custos*, but limited to some things, not without Counsellors, and they named; but as for the learned Gentleman (*Sawyer*) I am sorry I seldom agree with him in the House.

House. *Thomas Aquinas* brought Religion to nothing by distinctions—If this Commission be granted by authority, does not the former authority determine? Being derivative from it, the King has it no more, it is in the Queen. All that is done to us for our Religion and Properties to be put upon a moot point on a sudden! Let us consider of it, and God direct us!—We are fallen into a wilderness entangled by our Enemies; God send us well out of it! Many hold themselves not at all bound to King *William*. Queen *Elizabeth* was a young woman, yet conquered the greatest Prince in *Europe*—No man can wish better to the Common-wealth than I do; if that stand, I care not what becomes of me. The King to have power in *Ireland*, and none here! The thing is so great, that I am upon my knees lest we should be swallowed up by enemies, or betrayed by our friends.

*Mr Harcourt.*] The King having declared his resolution to go into *Ireland*, it is our Duty to help him thither. The King has chosen the Queen for the Administration of the Government in his absence. I am not for putting her under Guardianship, nor for putting her under Council. She may sway the Sceptre, and I know not why she should not have the Power. As to how far this determines the Commissions, &c. and the Parliament dissolved, &c. if doubtful, you may remedy it by a Proviso, and put it into order. If *Ireland* at least be not included, or orders from thence are ineffectual—But these objections depend upon the single point of the King's Power ceasing. If you keep that Power in the King, by a Proviso, the King's Orders here and there may be effected.

*Sir Thomas Littleton.*] It is possible that you are not so ready to determine a thing of this consequence. You have heard a great many objections made; I cannot pretend to answer them. You have had a Motion to adjourn the Debate till a farther time; but if you consider, it will make a great alteration, the Government being but very young, and not very strong.

'Tis

'Tis altering Regal Power ; but to do it safely, it is well moved to adjourn the Debate for a week.

Sir *Thomas Clarges.*] If report be true, the difficulties in *Ireland* are not so great as apprehended. If there be 30,000 men there, I know not any to meet half of them. I have heard of Col. *Wolseley*'s actions there, and the only [actions] I have heard of with a handful of men, when the enemy were four times more, they beat their best Troops under *Macarty*, the flower and best of their Army. I hope, that, if there be a necessity of the King's going, that necessity may be explained. The Bill is conditional, if the King shall go. I would not be left here without some provision for the public Peace. I would not have the Debate put off, till I know not when, nor for I know not what. If the Objections be not cured, the King has no power when in *Ireland*. But the great difficulty is, if the King be not master of *Ireland* this Summer, we shall not hope to keep *England* long. If the *French* King once gets the Ports of *Ireland*, we shall not send out a Cock-boat. Let us not, by putting the Debate off, make the difficulty so great, that the King cannot go at all, but sit *de diem in diem*, till we have settled the thing.

Mr *Harbord.*] I am amazed to see us handle such indifferent things, and let the Government sink. I will lay it open plainly to you ; though, I confess, the maxims of King *Charles II*'s Government are still apt to be misrepresented, for what a man shall say here, as I have been. But for an Account of *Ireland*, why in such a condition ? The Troops are not able to march ; Officers are not paid since the first of *September* last ; most are behind-hand of subsistence-money ; to the Army 80,000*l.* due. I have laid it open to the Commissioners of the Treasury, and they cannot do it. If they have not suddenly 200,000*l.* in *Ireland*, nothing can be done there. If you do nothing now, it will be too late to think on it.

Sir

*Sir Edward Hussey.*] I take the King to be no King after this Bill is passed. 'Tis no man's intention to have the King put upon another Abdication; if he has a mind to another Abdication, those near him, I hope, will acquaint the House, for the preservation of the Monarchy and Church. I would have a week's time at least to consider of it.

*Sir Edward Norris.*] If the King should die in this Expedition, and the Queen be Regent, what if, out of Duty to her Father, if he land, she should not oppose him?

*Sir Edward Seymour.*] The methods of this Debate confirm me in what I thought, when we first entered into it; that there would be so many difficulties in it, as would not easily be digestible. You find, by the Debate, how little the thing is intelligible. If it be no more, when it has passed both Houses, I need not tell you the consequence. These considerations are sufficient to put it off for some time. I would not have it too long, but put it off to *Monday*.

Which was ordered.

*Friday, May 2.*

*Mr Anthony Rowe*, Member for *St Michael's*, attending in his Place\*, [being charged, by *Sir Edward Seymour*, with dispersing a Paper reflecting on their Majesties Government, and on several Members of the last Parliament, the same was brought up to the Table, and read; being entitled, "A Letter to a Friend, upon the Dissolution of the Parliament, and the calling of a new one; together with the List of those that were against making the Prince and Princess of *Orange* King and Queen."]

*Sir Edward Seymour.*] I shall not say much now. You have heard the Gentleman? When you have passed your censure on the Libel, I shall tell you my thoughts of the Person who published it.

*Col. Austen.*] I am as much against these sort of practices as any body; but may I not name a Member guilty of the same Crime? 'Twas *Col. Beaumont*, who

\* See page 102.

brought

brought a Libel, and out of it named Clauses, and Persons that brought them in. Pray accept of this Libel, and read it, and pass your censure upon it.

Sir *Edward Seymour.*] I humbly speak to your Order, and nothing else. You have ordered Mr *Rowe* to be here, and you have read the Libel, and, before you proceed, I beg your determination in that, and let this Gentleman have the censure. This has been kept long. Mr *Rowe* was charged in his Place, and had time, and I presume that Gentleman (*Beaumont*) will require the same time that the other had. If both belong to one thing, I hope you will send them both to one place.

Col. *Austen.*] I thought you were bringing things of the same nature to the same tryal. I must take leave not to answer mens laughing, till I am answered in another nature.

The Speaker.] They are several Crimes, if they are Crimes, and severally to be answered. When you call for it, it shall be ready,

Sir *Thomas Clarges.*] You have read that Paper; one and the other Paper are gone all over *England*, not only into *Cornwall*. 'Tis injurious both to King and Subject; but since you have read that Paper, and it appears so notoriously scandalous, you ought to pass your censure, and declare the Paper "scandalous, and prejudicial to the Peace of the Nation."

Sir *John Guise.*] I would have us all agree in moderation: It has been a consideration that you should not proceed farther for fear of sharpening Humours. If those arguments have prevailed on you then, why not now? I would know whether every County, and every Borough in *England*, has not had hard words and sharp censures. I know no Country (but our own) that has had these excesses; reproached with being Common-wealth's men, and no Church of *England* men; these are notorious before you in the printed papers dispersed. I would have equal justice done in these things. If you think it convenient, go on. I have something to say

of

of other men, and I am sure nobody can say any thing of me.

Mr Godolphin.] I never gave my Vote *nec ad aulam, nec ad populum, but ad liberandum animum meum.*—

Sir Christopher Musgrave.] Hearing my name, in that Libel, calls me not up. I am the same without doors as within. Seeing there are Reflections upon the King, you must pass judgment upon it. The other Libel relates to the Constitution of the House; since it is come before you, you must pass judgment upon this Paper before you. 'Tis a violation of the Constitution of Parliament. If persons be exposed for their Votes here, it may work upon the *Mobile*. (I fear it not, I am not considerable) First, take care to support the Government, and vote this Libel, "A high reflection on his Majesty and his Government," and [pass] a judgment next by itself.

Mr Harbord.] A Libel was seized by Mr Frazer, and brought into Council. The tenderness of the King was such, when it was brought before him, that the person was warned of it at his peril, if he did disperse any more. Though this be a great fault, I know not how things may revive. I would condemn this Paper, and so let us be at peace with one another.

Sir Thomas Lee.] The steps of this matter were thus. Some days since, a Gentleman was accused of dispersing this Paper, who was absent, and a day given him to appear. When that day came, the Gentleman was not so early here as his time; afterwards he came, but you deferred it; you then thought fit to adjourn it. The Gentleman is now in the House; you must next have him heard, and then he ought to withdraw, he cannot be here; and you then declare the punishment, when you see how far your Member is guilty; and then proceed to censure of the Libel. This before you is but a Copy of the Print, and the person attesting it is not brought to the Bar.

Sir Edward Seymour.] Harbord has given you an Account of what was done in Council; I believe he has

has Licence from the King to do it, or else he has broken his Oath. When Mr *Rowe* had dispersed these Libels in great numbers, and with malice prepense, he said he would print them. If you take no care of this, in the next Election of a Parliament, you will have enough to do.

Mr *Harbord*.] I understand my Oath as a Privy-Counsellor, and will keep it. In what I informed you, Counsel was heard on both sides, and the thing was public.

Sir *John Lowther*.] I am one of those that are of opinion, that there is nothing more dangerous, nor of worse consequence, than Libels. As to this, of dispersing Libels at Elections, we need nothing now to divide, we have Enemies enough abroad—I believe, if there be a scrutiny into this matter, it may tend to unite us. There is no proof, who penned this Libel, or who dispersed it, nor, does it appear, that this is the Libel he did disperse. I know not how a Court of Judicature will take this Libel to be proved. I desire the Gentleman may be reprimanded; but, not to widen the gap, I move, that Gentlemen defer the business till some other time, and put off the examination till another day. If you hear them all, you will employ your time in little else. I would adjourn it to this day fortnight.

Col. *Austen*.] I am no great Lawyer, but I think the fact proves the malice, not the malice the fact. It must be malice prepense, let the person be who it will. Whatever is said on the one side, will be proved on the other. I am as willing to throw them both away as any body.

Sir *Edward Seymour*.] I have not told you one word of my own knowledge of this Libel; but Mr *Rowe* is not to answer his accusation till it be proved. To vote this a Libel, and to let *Rowe* sit to vote whether it be a Libel or not, you will have work enough. If you go on, let witnesses be called in. Here is a Copy of a printed Paper; the information is, "that Mr

*Rowe*

*Rowe* had dispersed Copies of it, and was sorry he had no more; and, before it was printed, *Rowe* said he would print it." I would not bring a trifle before you; this is worthy your censure; if not, you will have enough.

The Speaker.] This is a Copy of a printed Paper, and the Attestation of the Mayor.

Sir *Thomas Littleton*.] It does not appear to me to be so proved, as to put a Question upon it. It may be proved, and I believe it as much a Libel as any body, but it spread very universally. You may go upon both the Libels, but I believe, in your prudence, you will lay them aside. At the beginning of this Session, two were produced, and both referred to the consideration of a Committee, but you have had no Report; perhaps the Committee in prudence would not do it. I hope the prudence of the House will lay this aside.

Sir *John Bowles*.] I wonder *Seymour* should call this Copy an Original.

Sir *Edward Seymour*.] It was this very Paper that was dispersed. I confess myself "a very ill Copy, and full of *Errata*;" but I take *Bowles* to be "a great Original."

Sir *John Bowles*.] I know not why he should call me "an Original;" but I would not go after his Original.

Col. *Birch*.] I know not how many of these may come before you. Since the wisdom of the House sees that this tends to division, pray adjourn the House, as has been moved.

Sir *Thomas Clarges*.] You say "the Paper reflects upon the King and the Government." A Gentleman tells you, "this very Paper was dispersed." You must propose a Question before you adjourn this Debate. No expedient can be, but sending for the witnesses at the door.

Mr *Hampden*.] I see the Debate is like to beget great heats. I have a Libel of infamous Queries charged upon

upon the other Gentleman. I hope all will be called scandalous papers, as well as others. A thing read in a noise cannot be strictly examined and censured. To say one numerical Paper was dispersed, this Copy, or Original, of many printed, dispersed—I would consider whether this is to be cooled, or thoroughly prosecuted. The issue of all Debates is a Question, and put it, Whether you will adjourn the Debate.

*Sir Thomas Clarges.]* I would know upon what Question the Debate is adjourned? I will do my duty, let Gentlemen be as ridiculous as they please (*some laughing*) First, state the Question, what shall be on the Journal. Will you make no censure upon it? Collect the Question upon the Paper, and then put the Question for adjourning.

*Mr Finch.]* I speak to wording of the Question. If the House be inclinable to adjourn the Debate, I would never have the Question worded so, as if possible the House did ever consider this to be a Libel. If the Question be to adjourn, I offer it thus; “That a Debate arising about a scandalous Libel, the House adjourned the Debate of it to such a time.”

*Sir Christopher Musgrave.]* I take this to be a Libel upon the Government; and if Witnesses be at the Door, and you will not hear them, to say you will adjourn the Debate, is to call for it when the Witnesses are gone, after long attendance. When our Duty to the King, and the Honour of the House are concerned, it is agreeable to justice that you deny no man.

*Col. Austen.]* Several things must be debated before this comes to issue. I can never think a deliberate thing to be a reflection upon the House; therefore adjourn the Debate.

*Lord Eland\*.]* I think the kindest Motion for *Rowe* is, to call the Witnesses in; either the thing will be justified, or your Member sorry for the accusations.

\* Son of the Marquis of *Halifax*, to which Title he succeeded on his Father's death in 1694, and died in 1699.

Sir *Thomas Lee.*] The first Question is, Whether you will adjourn the Debate, but not next, calling them in; you must not be starved because Witnesses are at the Door. To Order only I speak. I would plainly understand—I am for vindicating the King's honour, for if this had touched the King's honour, some of his Officers would have taken notice of it. *Stafford's* was a Treasonable Paper, from a Man under some distraction, and you discharged him. Some things in themselves are better laid asleep, and this is one.

[The Question being put, That the Debate be adjourned, it passed in the Negative, 180 to 156.

*Resolved,* That the Paper entitled, &c. (as above) is a false and scandalous Libel, reflecting upon their Majesties and their Government, and the Rights and Privileges of Parliament.

[*May 3, Omitted.*]

Monday, May 5.

In a Grand Committee, on the Regency Bill.

Sir *Charles Sedley.*] The objection t'other day was, “That all Commissions determine, if you lodge the power in the Queen, in the King's absence.” If he be in *Ireland*, he is not here. I cannot see any hurt for so short a time, by authority of the King, and consent of Parliament.

Sir *William Whitlock.*] I find that every body believes the King intends to go into *Ireland*, and that it is necessary the Administration-Power, in his absence, be in the Queen. The Objection made is, the danger of the trust in the Queen; but you may trust either, or both, in the Power you have conferred upon them. If the Parliament have trusted them with the Powers, you may trust them with the Administration of them. Leave out the words, “and Territories.” The King may by Act of Parliament exercise Regal Power in *Ireland*, and the Queen in *England*; and when the King returns, he returns to the former Administration. If he die, there is an end of the whole,

Serjeant

Serjeant *Maynard.*] The Reasons of this Bill are, “ That the King going out of *England* into *Ireland*, there is a necessity somebody should do what the King should do here.” You are moved, “ That the Administration should be put into the Queen, but not out of the King, to advise in the Politics.”—’Tis well known, what turbulences and great disturbances there are in *Scotland*, and as much in *Ireland*, if what I hear be true: With whom have we War? ’Tis said with King *James*, but it is with *France*. King *James* is but his Tool; with whose money, whose advice, and whose men? All *French*; can any man be so simple as to set up any body, but himself? Consider, if this Army prevail, it is not King *James*, but the *French*, that will have these Kingdoms. Will the *French* King, out of kindness and compliment, part with three Kingdoms conquered with his own money? I would have the Bishops consider (where so much right is laid) either the new ones, or those that are out; and I would have the Popish Lords consider, who live quietly: Will the *French* King let the *English* have great Estates here, when he can have the *French*? Will the *French* King, in compliment to the Papists of *England*, put by his own Subjects?—Will you have the same Council about the Queen, when the King is gone, that never could find out where our miscarriage lay? *Londonderry* was not relieved, the provissons were all corrupted; we sent to know, from whence this came: *Shales* was found out, but we could never know who recommended him to that service; and from whence comes this neglect? From those that acted or advised? I propound this, not only to the Queen’s Councils, but in the Government.—Unless he would change his Religion, a great Man, the Duke of *Schomberg*, must have no employment in *France*. We must give our Souls to him, and he will take our Estates—I did not say we should name a Council to the Queen. The Administration is in the Queen, but it

is the Council that does all. Those that would keep King *William* out, and keep King *James* in, now King *William* is in, 'tis strange they should be trusted. The alterations in the Militia of *London* have ever influenced *England*, and we give the King Thanks for the best put out, and the worst put in!—Confirmations of the Liberties of the Church to the Church, and we apply them to the Churchmen.

Sir *Thomas Lee.*] If you will have only the Counsellors now well spoken of, and never ill spoken of, you will have but a few of either. I am afraid, if a man pass away a Manor, and the appurtenances are left out, the Chancery will judge it for the Purchaser; and *Ireland* will go away with *England*.—Regal Power, by Serjeant *Wogan*, is distinguished from executive. I am afraid I cannot distinguish them, to make them separable and different. To turn Regal Power out of possession, I am not very fond of it in Parliament. Let men tell plainly their minds, whether they will leave him no Power, or leave him only King of *Ireland*.—Such Power of disposition of the Crown being taken up by the people, I think this Bill necessary, and I hope the Long Robe will find out such a way to invest the Queen with the Regency, as not to dispossess the King. I would have it plainly understood, whether, whilst the King is in *Ireland*, he loses the executive power in *England*, and whether he is not less than he is already.

Sir *Thomas Clarges.*] I do not undertake to be wise enough to solve all these doubts; 'tis plain we are in great exigency, and the King, as now advised, resolves to go for *Ireland*. I would not be hasty in advising. I would not raise such a heap of difficulties, that we know not which way to turn. The *French* King has committed such great cruelties; scarce such since the *Roman* persecutions. I would rather endure any thing than that. Is *Ireland* in such a condition, that his presence is so necessary there, or *Ireland* will be lost? What if the King does not go, and we advise him

him to it, and *Ireland* be lost, and he tells you, “ By your advice I did not go!”—You are moved to give the Queen more Power, the Administration jointly in King and Queen, and to the Queen, in the King’s absence ; shall the Queen’s hand be enough to Warrants in the King’s absence ? There are perplexities every way, all will be of no effect—If the King goes not out of *England*, or if the King goes into *Scotland*, it relates to both purposes. I wish we apply the Debates to amend the Bill as well as we can ; if he does go, that he may go. I see no great hurt of adding “ Administration” to it. Something must be done, that the King may be in a possibility of saving that Kingdom.

*Sir Christopher Musgrave.]* You have a difficult thing before you. Our Duty is to make the Bill so as to reduce it to the service of the King and Kingdom. I suppose ’tis not any body’s design to divest the King of any part of his Royal Power, but to consider ; how to let the Queen into some of that Regal Power, now in the King ; and I should be glad to be informed, how to let the Queen into more than she has already. The sole executive Power is now vested in the King. I would not take away Power out of the King ; but, suppose you should say, whatever Orders shall be sent by the King, out of *Ireland*, shall be obligatory here.

*Mr Foley.]* To prevent two co-ordinate Powers, let the Queen have the Administration till farther Order from the King.

*Sir Joseph Williamson.]* The difficulties to me are not so great, but the inconveniences may be such, as may dissolve the frame of the Government that you have taken so much pains to settle. This is the case of all our Kings that went into *France*. I know of nothing to be now done, but what was then done. What extent of powers, and, on what terms they left such powers behind them, we know.—Now is a joint Sovereignty, which cannot dispute, one which is impracticable—So there is nothing called upon from you,

but to do, by the Legislative Authority, what the King cannot do by Commission. I think there is difficulty in leaving power with the Queen, both the way and manner of it. See what that power was then within the Kingdom of *England*; in the whole course of the Government these powers were left, and let no more be now in the Queen, in the absence of the King.

Sir *William Pulteney*.] All agree, that it is your intention not to divest either King or Queen of any thing in the Act of Recognition. As this Bill is drawn, we are under great difficulties; but I think a short Bill may be drawn for the King to transfer so much of the executive Power to the Queen, to take away all ambiguities.

Lord Commissioner *Hutchins*.<sup>\*</sup>] If I have had many various thoughts upon the Voyage, I have had none upon the Bill. This doubt, whether the Queen is not so amply and fully Queen as in the Act of Settlement, may be of dangerous consequence, and how far the Commissions of Justices of the Peace will be void—This may affect our Alliances abroad—The King may see more in *Ireland* than can be seen here. I humbly propose, that this may not so pass, as totally to divest the King of his executive Power. No Precedent did ever reach this case, and, in that we mispend our time. Possibly there may be many inconveniences for the Administration of the Government in two persons, and to divest the King of it is not to be thought of. I move, That the Government may be executed in the name of the King and Queen.

Mr *Hampden*.] I observe, most Gentlemen speak very doubtfully. The more I hear of this Bill, the more doubtful I am; and the more I hear the Debate, the less am I able to resolve myself. You are got into a labyrinth by this Discourse. If there were a Precedent, it would help us greatly; but no Precedent can be quoted that will reach your case. I am afraid to

\* One of the Commissioners of the Great Seal, together with Sir *John Trevor* (the Speaker) and Sir *William Rawlinson*.

bring your Constitution to a School-point. A *videtur quod sic, probatur quod non*—The Government is settled, and I desire to continue it so. The breaches we make in it, neither we nor our posterity can ever repair. The King is going abroad, and you are finding a way to be safe when he is gone; but I doubt, by this Act, you can never be so. This will not come together by a concurrence of atoms, according to the new Philosophy; but when you come to explain this Act at length, you will find so many difficulties, that you will not know how to reconcile distinctions without differences. I have some other thoughts. You adjourned it *propter difficultatem*, as the Judges do in *Westminster-Hall*, and still you are no forwarder. You have had good Reasons, and yet they come not up to it. If the King goes into *Ireland*, without this Law, he may act his executive Power, (the Sea-hazard excepted)—I would have Gentlemen consider, whether, if the King do this without Act of Parliament, (which is wild-fire, if he does otherwise than you intend) it may not unsettle what may never be settled. Let the Act lie, till you have considered if some other thing may be thought of. An Act is a dangerous application in such a thing as this. What work has a word in an Act of Parliament done? And now, to break into your Government in its infancy! I doubt you cannot see how far an Act passed may work. I desire it may be considered, whether a way may not be found to arrive at your end, without this Act.

Col. *Birch.*] By all I have heard, by this Debate, there is more and more difficulty; and nothing is offered in order to satisfaction. It has been offered to be effected without this Act; if it can be sure, 'tis the safest. I would not refer it to any body in particular; but that the King's learned Counsel may bring in something to-morrow.

Sir *John Lowther.*] You have had a proposition, whether to do this without an Act, either intimated by way of Address to the King, or Advice. This expedient

pedient will take up a great Debate to find out a model for it, and the Lords concurrence must be had to the matter and manner of the project, and then to present it to the King. But, when all is done, will this satisfy the People? And will it not constrain the Obedience of the Subject? Unless it be a Law, it will be laid aside: Though the intimation of both Houses will carry great authority, yet not to the satisfaction of the People: Therefore propose something that the House may go upon. You are told, "If it were thought the King's Power determined in *Ireland*, all would be against it, but for a concurrent Power in the Queen." Propose such a Question; if not practicable, go to some other expedient. If it be practicable, I have not heard of a better. It is objected, "That the two Powers may clash, and a question, which of the Orders shall be obeyed;" but I cannot easily imagine that the Government should so misunderstand one another, as that this should not be known. But, admitting there should be clashing, you may, in a few words, help it: Thus, "That the King's Orders take place;" and the Government may be resumed as easily as you make an Act. 'Tis agreed by all, that the Queen be so let into the Government, as to return to what it was.

Mr *Hampden*.] I am of Opinion, if you require the concurrence of the Lords, and then send to the King, that it will be an Act according to the old form. The King gives his consent *in pleno Parlamento*, and it is a Law. In the case of *Lambert* and *Vane*, both Houses petitioned the King for their Lives, and the King consented—Not that I intend to introduce a Form of Concession without Act of Parliament. You give the King Advice not always by Act of Parliament. You told the King, "You would give him Assistance, not only by Money, but Advice;" and this may be brought into such a Form, without Act of Parliament. It may succeed well, but is a dangerous expedient.

Mr

Mr Finch.] If the King goes into *Ireland* (otherwise we are debating upon nothing) the Government is in the King and Queen; the Administration in the King alone: What do men understand by that? Every direction of Regal Power is by the King alone; his will and pleasure gives the sanction to obey. Royal Assent is both in the King and Queen; but the King's Assent gives the Authority, not from the King's only Command, but Regal Power and Authority from them both. The Act took care, that, if they should not agree, or give contrary Command, though Regal Power is in both, yet the Exercise should be in one, else it could not be obeyed. It is but one Regal Power, invested and determined in one. As for Commissions, &c. that is no objection, for the Regal Power is from both. But the King being in *Ireland*, the defect of immediate Administration [requires] that this must be by Act of Parliament. I think it cannot be otherwise. Regal Power in the King and Queen, to whom given?— Every Commission to a *Custos Regni*, upon return of the King, immediately vanished and the Power ceased. It could not enter into any man's thoughts, that Regal Power should be in two persons. She cannot give it to herself, and no person ought to have it. If Regal Power be in her alone, *Ireland* is annexed; when you vest it in her, and her alone, the King is divested of the Administration of Regal Power; he must write for directions from hence, which is absurd; somebody must be in, and nobody but the Queen can be in. The King being in *Ireland*, Regal Power in both warrants the immediate Administration here. You may declare, "That, during the King's absence, every Act of Administration by the Queen alone shall be good, when the King directs not the contrary;" and, in that, you affirm the Administration to be in him, and upon his return this ceases. This may solve the difficulty; if there be more, it may be solved upon Debate. If there be contrary commands in any Warrant from the King, all subordinate Officers are to obey them. In  
the

the Commissions from *Custos Regni*, they never excluded the King from direction of the Administration: This makes no alteration in the Regal Power, nor disaffirms the King's.

Serjeant *Tremaine*.] We all wish that there was no occasion for the King's going. The Question is, Whether it is not a greater good, his going, than staying here? (*Sir Wm Leveson Gower's Motion, to know who advised the King to go, and that we should advise him to stay.*) This Bill, besides the Act of Settlement and Recognition, says, "The Regal Power is in the King and Queen; the Exercise in the King alone." This Bill will quite turn it to Regal Power in the Queen. What effect may this have in *Ireland*? I desire it may be considered, what influence *Scotland* may have, when we give a Precedent to shift and change the Government here. I cannot tell what the construction may be there, whether it may not be said, "That the King has parted with the Government of *England*, and is gone into *Ireland*." I would consider, whether this may not be done without an Act of Parliament.

Sir *Thomas Littleton*.] All I have heard proposed, tends to unsettle the Government, every one of them. Your Government is not strong enough to try experiments upon; you have too many already. As to the Queen, &c. in this Bill, it does downright depose the King. I am sorry it was no better considered before it came from the Lords. If then it be every body's intention, that the Administration shall not be out of the King, I ask, to what purpose is the Bill?—'Tis as easy to send to the King for Orders, as for the King to come over to do it. All the Provision you make, the King must be concurrent in. 'Tis said, "If the King give no directions to the contrary, the Queen's Orders shall be obeyed." Can the King know a thing before it be done? And if done, and the King direct not the contrary, it shall be good, though the King never knew it, and 'tis done; 'tis good, whether the King direct it, or not direct it, *factum valeat*—The

Queen

Queen cannot give and take, unless you say the King and Queen shall join *quoad* particular purposes. If, by Commission, she be *Custos Regni*, how far [may it be] for her honour to stay here! A thousand things may be said, able to make a man's head ach.

Sir *Henry Goodrick.*] We have heard a great deal of learning on this occasion; and, I am confident, good affection. The safety of the King's person, and *England*, are the main considerations. Whoever gave the King this advice, if the utmost necessity did not justify it, no Gentleman dares own it. 'Tis too bold a thing for a man to countenance the King in it. God directed his glorious expedition. I take it for granted, that the King will go into *Ireland*, and now we are upon negative Resolutions. The Question is now, Whether to divide the Regal Authority? If one go out, where will you place it? If, by Commission, in *Custos*, or *Custodes*; if you go by any former Precedent, I doubt you will be mistaken; but for the Power so reversed, and the King to resume it at his return—I hope you will come to some conclusion, and neither advise nor dissuade the King. (*And so reads a Question.*)

Sir *William Leveson Gower.*] I am persuaded that the King has taken a Resolution to go; but I must as boldly say, the King did not apprehend that he must leave his Regal Power behind him; and I would address to inform him so. I am not for chopping and changing Regal Power, to go a King from *England*, and be but a Gentleman in *Ireland*; and am as much against a *Custos Regni*. If the King thinks fit, let the Queen have it alone, and address, by the Privy-Council, to inform the King so, and to stick to the Act of Settlement. Either part with it entirely, or keep it entirely; and do not make him a King, and unmake him again.

Sir *Henry Goodrick.*] The King, in his Speech, said, "He was willing to leave the Queen the Administration of Regal Authority in his absence." There will be no Action, and, I fear, nothing likely to be, till  
the

the King comes into *Ireland*. I look upon the King's Resolution for *Ireland* as an inspiration from God, who has blessed his generous thoughts to go into *Ireland*. I would willingly take longer time to consider; but I look upon the King's Resolution to be stedfast.

Col. *Austen*.] I would defer proceeding any farther, till the King gives intimation how far he is willing to divest himself of Regal Power; *volenti non fit injuria*. If your minds alter so soon, none knows without doors how soon it may alter again. I move for some modest Question to the King, to know how far he would be divested of his Regal Power.

Sir *Christopher Musgrave*.] If the King had not said it, in his Speech, you might have done so; but, in plain *English*, it is you that have no mind to let him go; I dare not say so. Some are against an *Act*; but, if not by *Act*, what way can it be done but by *Commission*? And that is much more liable to exception than an *Act* of Parliament. When by *Commission*, may not People say, "The Power is in both; and I am not, by Law, obliged to obey without *Act* of Parliament?" The King abroad, and the *Commission* disobeyed, what will be the consequence? Read some of the *Propositions*.

Sir *Thomas Lee*.] I am of opinion, with *Austen*, that you had better have no *Bill* than that *Clause*. So few are for its standing in the *Bill*, that it cannot, till other words be put in the place of it. I observe, the King said, in his Speech, "If you thought it necessary, he should go, &c." It has been said, "The King had considered it by his *Council*." If it had been considered, you had not had so much *Debate*. If they did not consider it, will not you? This use may be made of the *Debate*; the *House* may give *Order* to compose a *Clause*, so as not to deprive the King of Regal Authority, and not know how to give it him again. If you once take away Regal Authority, there remains little to be obeyed. I have said nothing to-day to hinder the King's going, or to promote his staying;

staying; from all these difficulties you may have a Clause to answer your ends.

Mr *Godolphin.*] That there may not be indecent Jealousies betwixt the King and Queen, in the Administration of the Government, in the King's absence, I proffer *Finch's Clause*, *viz.* "That every Act of the Administration, by the Queen alone, shall be good and valid, &c. wherein the King, by his Sign-manual, does not decree the contrary."

Mr *Harbord.*] Perhaps, if the King had thought of the inconveniences, he would not have said what he did, in his Speech, of *Ireland*; and I wonder at it, when I hear men in the best Posts in *England* in such doubt. The best thing you can do, for the present, is to adjourn the Debate to to-morrow.

The Speaker.] It was said by *Harbord*, "He stood astonished, he acknowledg'd, at what a man in the greatest Post in *England* said." Let us know it, that we may be astonished too.

Mr *Harbord.*] I am not only astonished at that, but at what you have done here too; when I hear that, in the Lords House, some called the King *de facto* only\*.

Mr *Finch.*] I am not fond of any thing that I have delivered to you; my Proposal was, "That the Queen's Act, in the King's absence, should be valid in all cases, except where the King directs the contrary." My meaning was only this, whether it solved not that difficulty of not leaving the King in the Administration. In Peace, the Government of *Ireland*, by a Lord-Lieutenant, or Deputy, is directed by the King. The Queen provides for the immediate necessities of the Government, and the King has the controul of all, and she is subject to the King's Orders in his absence. The King cannot exercise the Government here in all emergencies in Peace and War: 'Tis impracticable, unless he could be sure of Winds, and could direct his Enemies where they should be.

[To proceed to-morrow.]

\* The Earl of *Nottingham*.

*Tuesday,*

Tuesday, May 6.

In a Grand Committee, on the Amendments to the Regency-Bill.

Mr Powle.] When I heard this opened, I did not well understand it. The words of the Clause do expressly vest the Power in the Queen, as in the King. Then comes the Proviso, and says, "It shall, notwithstanding, be in the Queen."

Mr Finch.] The first Proposition divests the King; but by making it lawful for the Queen, it does not say it is unlawful for the King to do it. There is a great deal of difference; the King is resolved to trust the Queen.

Sir John Guise.] I am dissatisfied with what fell from Finch. If "the King has resolved it," and we must not debate it, I think the freedom of Parliament is gone. If the King has said, "He will trust the Queen," and that is not a thing to be talked of here, I have done.

Sir William Pulteney.] The distinction offered by Finch, if it be a distinction, is a wonderful nice one. Whatever the Queen does, if it is lawful for him to do, does divest the King of Power. I would not have the Government depend upon such nice distinctions. If it puts the executive Power in the King and Queen to act differently, they may act differently. Perhaps all these objections may not happen; but when we do it, we must be able to satisfy the World as rational men. I appeal, whether ever a Regency of Lieutenantcy, or *Custos Regni*, was *pro hac vice*? This may, perhaps, as 'tis penned in the Bill, be for twenty years. If the King will go, he must go; but I would not leave it upon such nice distinctions.

Sir Thomas Clarges.] I conceive we are in a miserable condition, and the King must go for our safety; and if we do not provide for his absence, we are in a miserable condition. Pulteney says, "He never knew a *Custos*, &c. for twenty years, &c." But he must consider, that he never knew any *Custos*, &c. but Subjects.

Sir William Pulteney.] He totally mistakes me in what I said; the meaning was this: Whatever *Custos* you

you have, when the King goes into *Scotland*, or *France*, there must be a Law for the Administration of the Government.

Mr *Finch.*] I should be loth that the Government should depend upon nice distinctions. Not any thing came from me that did occasion this. As for a *Custos*, &c. 'tis impossible there should be one so long as the Queen is here. This Clause is for the Administration of the Queen, and the King may take it when he pleases. If ever Execution of Power be so much in diminution of the King's Power, then *Pulteney* is in the right. Every Act the Queen does is supported by this Clause.

Mr Sollicitor *Somers.*] No man should make Objections, but should likewise propose Expedients. If supposed, or afraid, that it is absurd to have two co-operative Powers, or any mistrust of the Queen—I believe her the best Woman in the World, and she has showed herself so ever since she came hither—But I ask if any good Law was ever proposed, that it is a mistrusting the King? I say, there are difficulties—You may suppose absolute Power in two together; but separate, all writers agree, and I am as far from mistrusting the Queen as any body.

Sir *Robert Howard.*] This is as green a Motion as any. I believe *Finch* intended no Infringement of Debates; but, perhaps, might mention some innuendo's to fortify his Reasons. For a thing to be made use of when bad, because it can not be made good, is a strange argument to confirm many an ill thing that cannot be made good. We are told, "That it is inconvenient for the Government to be in two, and therefore the Administration should be in one." Two Czars of *Muscovy* at a time! (*some laughing*) Sure they can argue better in their reasons than in their noise. Let me ask how this is practicable? You must suppose the King will never act by this Power, or act nothing contradictory to it. If this be so, if you can allow that communication, it may be as sure to you without a contradiction—

dition—This Act is not only for this expedition into *Ireland*, but as often as he goes out of the Kingdom, during his Life. I think the Clause is full of contradictions.

Sir *Thomas Clarges.*] We are told, “ The Bill is impracticable,” and of “ two Czars of *Muscovy*.” I find no contradiction in the first Clause, at least. If there be any in the rest, I hope the wisdom of the House will mend them. For decision, pray put the Question.

Sir *Thomas Littleton.*] I have heard so many Objections, that I believe you cannot mend the Clause. Suppose the King and Queen go into *Scotland*, shall not the Government be provided for? When the Bill of Rights passed, it was not out of disrespect to the Queen that the sole Government was in the King; it was because it was absolutely necessary the Government should be in one hand: Why not so still? Now the Clause is, first in the King, and then in the King and Queen too. 'Tis an easier matter to give an opinion, whether it goes with one's judgment, than to say how it shall be mended. They have said, “ Mend it,” but nobody proposes to answer objections, but by calling for the Question. I agree that 'tis debasing her authority to have the Queen in Commission to disparage her. If the authority be in both, suppose the Queen should think fit to dissolve this Parliament, and the King dislike it, yet he must call another.

Sir *William Leveson Gower.*] I take this Clause to be no less than, as *Napier* called it, Transubstantiation; Regal power in *England*, and Regal power in *Ireland*. I am against the Clause, and against the Bill, and all you can do in it; not that I distrust the Queen any more than I did the King at first. I would not have the King go into *Ireland*. When Gentlemen shewed a necessity for the King to go into *Ireland*, they must say that *Ireland* is of more consideration than *England*, and they had rather lose *England*. Another want is, Money; that Army is ill paid. I would not have the

King

King go into *Ireland* to head a mutinous Army. I would not be left in possession of a Government, that punishes nobody, and pardons nobody. I had rather, *Ireland* was lost than *England*, if it must be so.

Sir *John Lowther.*] *Gower* has dealt sincerely with you : He is not for the King's going into *Ireland*. If the Debate must turn upon that hinge, I am ready for it ; but if the House will offer advice to the King, I am willing to join. Some Gentlemen seem to agree, that a Proclamation may do as effectually as an Act of Parliament, but the objections are stronger against a Proclamation than an Act. How shall they obey the Queen, exclusive of the King, or jointly with the King ? I see no way for the thing to be done by Proclamation, that may not be by Act. 'Tis strange not to suffer the King to go out of *England*, be the exigency ever so great. Kings have gone into *France* and *Scotland*, and then there was no difficulty in a *Custos Regni*, and now we have a Person, and no difficulty in the choice of a Person, only in the manner how to be invested with this Authority ! State it thus, that it is absolutely necessary that the King go, and that there was no Queen in the case, then there must be a *Custos* ; if a means is to be found out, then 'tis as absolutely necessary to be the Queen as any Person. The only clashing is about the Orders which shall stand in force, that they do not interfere ; but then the King's are to be executed first. His general Instructions will be observed, and emergencies be supplied by the Queen. I see no difficulty in the thing.

Colonel *Austen.*] I have not yet seen it made out absolutely, that there is a necessity for the King to go into *Ireland* to hazard himself. I would present to the King the sorrow and great apprehensions we are under.

Sir *Henry Goodrick.*] I am sorry we have nothing but apprehensions upon us. I would not trust so much to ourselves as to be divided. I would [trust] in nothing but in God above, and our Sovereign below. 'Twould

be strange for us to break such measures, under such an auspicious Government—I am sorry to hear mention of “the Czars of *Muscovy* ;” ’tis foreign Language, and becomes not an *Englishman*. I look upon *Austen’s* Motion to be like a Senate’s Address to a Doge of *Venice*, as much as the Czars. There is nothing left but that immediate way of the Queen, and I would acquiesce in that. I do it as to an *English* Princess ; we may place our trust in her. I am not jealous, frightened, nor have apprehensions of it. No man can answer for this or that man’s doubt. There is a necessity not to act by a *Custos*, but by a Regent. If you put in a Proviso, do you not leave it to the King, and in the King’s power to pass the Act, or not ? Will you say, he shall not go, and run all the risk of it ? That is sochoquant (*shocking !*) I’ll quote a Precedent, and a full Precedent in this case. I’ll fetch it from the flourishing Kingdom of *Spain*, under *Ferdinand* and *Isabella*. The King, in their *Cortes* (Parliament) of *Arragon*, did propose to go against the *Moors* ; and that of *Philip* and *Mary* here from that Precedent. It suits extremely with your sense. I cannot say, I will advise the King to go or stay, but the safety of *England* depends on the immediate finishing the conquest of *Ireland*.

Col. *Austen.*] I know not how the comparison of “ the Doge of *Venice* ” can be applied to us. ’Twould be unmannerly for us to advise, now the King has declared his resolution, and this will make him “ a Doge of *Venice* ;” it would then be proper to have a table of what advice we should give, and what not.

Sir *Robert Rich.*] Whether it appears “ a *Venetian* advice,” or whatever it is, I shall speak my mind. I am convinced the Bill is impracticable, because to conquer *Ireland* is too high a flight. There is no powder, no stores, no money ; and to send the King into *Ireland* to call for any of these, and not to be obeyed ! The Army of *Ireland* is in a great General’s hand, and *Goodrick* knows his merits better than I. Is it the King’s resolution to go, and no one’s else ?

Where

Where did this scheme and resolution first rise? If it be good, they will own it; if not, it is in the dark. I doubt we shall bring one of the greatest Princes upon Earth into the greatest difficulties upon Earth. We have a right to address the King (and 'tis not so unmannerly done) to stay; but you may leave the Chair, go into Debate, and lay all these difficulties before the King, and leave it to him.

Col. *Granville.*] 'Tis not with respect to the King, if you address him to stay. He has so often published that he will go, that I fear his honour, as well as your safety, is engaged. If you enable him, I hope he will have Victory, and after that, Peace. I should be glad the Queen might have the power in his absence any way, but by Bill; but rather than *Ireland* should be lost, put the Question.

Sir *Charles Sedley.*] The King has not advised with us, but told us, "he will go." His foot is in the stirrup, and you catch him upon the shoulder, and say, "he shall not go." Whether the King go, or stay, leave it to his choice. If you do not pass the Bill, 'tis impossible for him to go.

Sir *Edward Seymour.*] We have been two days on this subject, and done little, and, in the method we are going on, shall do as little to-day. I have seen how the Debate has been carried on, and by whom. Yesterday you were under some perplexities. If we jogg our Constitution out of rules, of the two evils, the least is to be chosen. The Question is, Whether you will trust the Government in the Queen's hands, or not at all? Several projects have been offered, as a Proclamation, &c. It has been said, "As the Bill is penned, the Queen may dissolve this Parliament." But I would explain; as *Thompson* said, he cared not which side was uppermost, that is our uneasiness: But shall we sit still, and do nothing for your security and safety? 'Tis not proper to give advice, till asked of us. The King has told you, he will go into *Ireland*. What is the reason of borrowing on all our Mo-

ney, but our belief that we are safe in the Resolution he has taken? If our advice is not mannerly, sure 'tis not prudent, and if not other vigour put into hands\* than was last year, we shall not be long here. When the King is gone, the Government must be somewhere. Will you have it in other hands than the Queen's? You have a good Clause before you; there is no objection against it that is solid; put the Question for that Clause.

Sir John Guise.] 'Tis said, "The King resolves to go into *Ireland*." I had thought, that, by the Laws and Customs of the Realm, the King could do no wrong, because he takes the advice of others. The thing had better take up a quarter of an hour's debating now, than a year's fighting it out afterwards. Have you not any thing to regard but *Ireland*? I think you have *England* and *Scotland*. Should the King go and fail, or a greater misfortune [happen] his death, what a posture are we then in, in relation to *England*? I hope the Army is paid, and no parties in *England*; but I fear, should there be any ill management or disorders here, the *French* will make their advantages of it. As to *Scotland*, I have heard dismal accounts from thence. Who then is the person most proper to countervail all these difficulties? If the King go, have you any such thing as a General in his absence? If any misfortune happen, I have done my part, and I tell you, I will go as far for the good of the Nation as I can.

[The Amendments, reported by the Committee, were agreed to by the House, and the Proviso was ordered to be ingrossed.]

*Wednesday, May 7.*

[The Regency Bill was read the third time.]

Mr Foley.] I suppose 'tis the intention of the House, that the King have the Administration of the Government when he comes back. I proffer a Pro-

\* *Sic Orig.*

viso to assert whose Orders shall be obeyed; *viz.* “That the King’s shall be obeyed.”

Sir Christopher Musgrave.] This Proviso supposes, that the Queen will not obey the King’s Orders. I would lay it aside.

Sir Thomas Littleton.] The Clause has no hurt in it: ’Tis possible the Queen may be surprized, and Orders may be given unknown to one another, and both cannot stand good: If such a thing should happen, there is no hurt in the Clause.

Mr Finch.] The only reason I hear for accepting this Clause is, “Because there is no great harm in it:” To let the Clause remain is no great harm; but I never heard it was a reason to receive it, because there was no great harm in it.

[The Proviso was rejected; and the Bill, with the Amendments, &c. passed.]

*May 8\*, 9, and 10 Omitted.]*

*Monday, May 12.*

A Message from the Lords, to desire, That Sir Robert Clayton, and Sir George Treby may attend their House [on Wednesday next] concerning the Alteration of the Lieutenancy in London.

Sir Henry Goodrick.] For Persons to go from your House, to be sworn for Evidence to impeach your Judgment of the Lieutenancy of London, I hope you will consider of it. For your Members to attack your Judgment—I hope you will not compell your Members to that.

Sir Thomas Clarges.] I am sorry to hear such a Message from the Lords; ’tis an unfortunate thing; it affects me very much. They are scarce good friends to this Monarchy, that will make a difference betwixt the King and his People, to impeach the King’s Authority into the bargain. By an Act of Charles II, the King has Power to place and displace in the Mi-

\* The Bill for reversing the Judgment in a *Quo Warranto* against the City of London, &c. passed this day, 166 to 76.

litia, and the King has taken great care of the Militia of *London*, which is the great Chamber of the Kingdom. The King has settled this by Commission, and placed persons as he thought fit; and it has been so well received by this House, that they addressed with Thanks to the King; and it is reported, that the Lords have sent for a List of the Lieutenancy, to know whether the King has done well, or no. The consequence, whatever it be, must tend to make a difference betwixt the Houses. As for one of the Gentlemen (*Clayton*) he is a party in the Lieutenancy, and as for the Attorney-General (*Treby*) the Lords have a Claim to call him to their House to sit there. Is not this a sort of bringing of original Causes before the Lords? In Appeals, and Writs of Error, they have Judicature, but not on the Commons: They are no *censores morum*; and to send a *si quis*, whether the King should give Men such Authority! Examine this, whether the Lords do it judicially, as an original Cause, and send the Lords Answer by Messengers of your own.

Sir *Edward Seymour.*] Some present Answer you must give, and 'tis moved "to send it by Messengers of your own." The Message is of great moment, for your Members to attend the Lords. In all the Enquiry I can make, I find no instance of such a Message, till the last Parliament, that Mr *Hampden*, junior, was sent for\*. Since it may be a Contest, whatever it is, I would have the right on your side. As for one of them, the Attorney-General, the Lords had a right to him before he was your Member; therefore I would not insist upon a Person that sits here by their courtesy, and not your right. The Lords never send for Witnesses in matters of Impeachments, as *Goodrick* said; you prepare all that. By the same reason that the Lords send for one of your Members, they may send for ten; and, by the same rule of proportion, call for the very Chair for Evidence. 'Tis against the right Being, and Order of the House to send your Members, and I am against it.

\* See Vol. IX.

Sir

*Sir William Williams.*] I offer, that, as to the Attorney-General, the King calls him thither, and the Lords cannot distinguish him as to themselves. The Attorney is not in possession of his place there; it must be the King that calls the Lords to Parliament, as he may do any of your Members. I would send the Lords an Answer by Messengers of your own, till you can search Books; 'tis the best Answer that can be given.

*Sir Thomas Lee.*] 'Tis said, "The Debate may be long, and the Messengers will stay;" but the Messengers must attend the fate of that. I hope, whatever *Sawyer's* Opinion is, that the House did rashly in the Thanks to the King about the Lieutenancy, that you will not take the sole Advice of the King upon you; and, in the last Message, when you might have asked the Lords Concurrence, you said, "You thanked for the Cause, and not for the Persons;" the Lords now enquire into the Persons. Your best Answer is, by Messengers of your own. In the last Parliament, instead of giving leave to your Members to go to the Lords, to give Evidence, you should have let the Lords know that you are Prosecutors, though they are the Judges. I am sorry you have shown the Lords the way to the King without you—The Lords have a Right to begin an Act of Attainder, as well as you. If the Lords should proceed upon this as criminal, you let them know you are the Accusers; and the best Answer, for the present, is, by Messengers of your own.

*Col. Austen.*] It does not appear that the Lords, in this, act as in order to Judgment; and therefore it is no original Cause; but that the Lords may second you in their Thanks, if they shall think fit, I cannot see that any of those cases mentioned stand in your way. To suppose they shall shock you, is more than you ought to do. I would send Answer by Messengers of your own.

[*Resolved*, That the Messengers be called in, and acquainted, That the House will return an Answer by Messengers of their own. Then the Question for adjourning passed in the Affirmative, 159 to 156.]

Tuesday, May 13.

Sir *Edward Seymour.*] I will not enter into the history, how the Sun has gone back upon our Dial; only I desire we may be preserved for the time to come. If you can sit down with all the ill Administration of Affairs you have had already, there is an end of my Motion. I hope the King, upon passing the Bill of Regency, will leave us some time to consider; and 'tis worth your thoughts to consider to provide for the safety of the Nation in his absence, whether by the Militia, or otherwise. My Motion is, "To resolve the House into a Committee of the whole House, to consider how to preserve the Peace of the Nation in the King's absence."

Lord *Castleton.*] I am seldom of that Gentleman's Opinion, but I am now, and I second his Motion.

Col. *Granville.*] I have heard the Motion, and I think it so necessary, that I would not let it pass over. I am ready to embrace any remedy that may be offered. If we are in danger, now the King is here, and an Army to defend us, we cannot be safe when he is out of *England*; therefore I second the Motion.

Sir *Christopher Musgrave.*] The Motion is of great importance; and that of the Militia, moved by *Canningby*, is but one part of our safety; therefore I concur with *Seymour's* Motion.

Sir *Thomas Clarges.*] I confess I do not understand the Motion. You have had the Militia under consideration, and disarming Papists. The persons most likely to endanger us are the Papists, who, in the North, are gone from their Houses, and are in Confederacies. I would not lose the fruits of that Bill, so much for your safety, but I would speedily proceed upon it.

Sir

*Sir John Guise.]* This is too weighty a matter to speak to it off-hand. 'Tis worth your time to consider, that a great part of the business of Parliament is consultatory. Many words are not requisite now; and I move "to go into a Grand Committee to-morrow."

*Sir Thomas Lee.]* The Question is of great weight, and 'tis late in the day. I cannot say, (as Lord Castleton) "That I am seldom of *Seymour's* Opinion;" but I must say, I have been more of late than formerly. I should be glad if he would propose something for you to go upon. I should be glad to have a little light what you have to do: But it falls oddly to have this Motion come on the same day you have agreed the Bill of Regency with the Lords\*; now to put it in the People's heads, that they are insecure. It may be of some danger to publish your Votes now, at a time when you have passed a Bill to be secure in a Regency, and that now you declare yourselves insecure.

*Sir Edmund Jennings.]* I suppose there is something *latet in herbis* in this Motion. I think it is time to adjourn, and go to dinner.

*Col. Austen.]* I wonder to hear Gentlemen speak of "the Security of the Nation in the King's absence," and the next Motion, "to go to dinner." I'll trouble you with nothing more than what has been said. I reckon there is to be a management by Council, and it is no disparagement—I think, if the Motion be not agreed to, it will look ill abroad.

*Sir Henry Goodrick.]* Perhaps this Motion may tend to taking the Ministry out of some hands, and putting it into others. 'Tis both the Right of the Crown, and a necessity of putting the Government in the Queen, a Princess of great judgment, and the King may well put her in that trust. I wish *Seymour* would be more particular in his Motion; if not, you may proceed upon general Heads of a Bill for the Militia; but if he will make no farther explanation of himself, I would adjourn.

\* This Bill had been returned by the Lords just before.

Sir

*Sir Charles Sedley.*] We are all contented, that the Queen should have the Administration of the Government, in the King's absence; and we now consider how to make it easy to the Queen. She is a wise Woman, but she is a Woman. The King will leave her some of his own Council, and some of King James's Council, a mixed Council. What concerns all People ought to be handled by all; and I move as *Seymour, &c.*

*Col. Birch.*] I am not fit to speak to this busines: I cannot dance about it as others can. Nobody can doubt but the Queen is but a Woman still, and must have Council. This is the Great Council. What will the People say? You have passed a Bill of Regency; but who shall advise and manage the Queen in the King's absence? If *Seymour* meant not that, in his Motion, I know not what he meant. If to have the Kingdom managed for its Safety be the meaning of it, I am for the Question.

*Sir John Lowther.*] I do not well comprehend the meaning of this Vote. I wish it may be explained, that we might. No Motions should be made without the subject-matter before you, and the meaning of it. I would not willingly anticipate any thing. If, by the Debate, we delay the King's Journey, or create apprehensions in the People, we make the danger greater, and the Enemies to the Government will proceed more boldly, when they see you apprehend your own weakness. Unless the Motion be explained, I second the Motion to adjourn.

*Sir John Thompson.*] I am for the Motion, and I wish it had been sooner, and for a reason not touched: In the last Parliament, when we were upon the consideration of the State of the Nation, and an Address preparing to the King, we were prorogued: We are doing what we were about then, and may be prorogued as we were then. After we have been hit twice in the same place, I am for the Motion for a Grand Committee to-morrow.

Sir

*Sir Edward Seymour.*] I had not gone on, but that the House seemed to acquiesce in my Motion, and that Gentlemen should be surprized to consult their own safety!—I should be glad to be so surprized. My Motion is plain and intelligible. He is a bold man that dares present you with a remedy to that end, otherwise than as a general proposition. If the Motion be not entertained, the World may think we are in Safety, and we need not consider of it.

*Sir William Leveson Gower.*] I cannot imagine what Explanation the Motion needs; 'tis as reasonable as ever I heard. Though *Seymour* be able to propose, yet that no man will do but at a Grand Committee. We must consider this whilst the King is here, else, when he is gone, we shall want him to help us. Provision for our Safety, whilst the King is here, is much better. I cannot apprehend what Gentlemen fear from this consideration. The Bill of the Militia will not reach your end. Since all conclude it difficult to keep us in Peace in the King's absence, pray put the Question, &c.

[*Resolved*, That this House will, to-morrow morning, resolve itself into a Committee of the whole House, to consider of Ways and Means to preserve the Peace and Safety of the Kingdom, in the absence of the King.]

*Wednesday, May 14.*

In a Grand Committee, [on Ways and Means to preserve the Peace and Safety of the Kingdom, in the King's absence.]

*Mr Holt.*] I hope this day will not prove as others have done. We find fault, and do nothing. Great complaints are made abroad, and, I fear, jealousies. The Papists say, “We dare do nothing.” The Nation can never be safe, nor at ease, till *Ireland* be reduced. Now, consider what hands we shall leave the Queen in, in the Administration, &c. 'Tis of great consequence to be in hands we confide in. I hear that one *Shales* is come over. I would have him come

up

up to give you account of the state of *Ireland*: They say, he is at *Chester*, and I would farther proceed to settling the Militia, and what else is requisite.

Serjeant *Maynard*.] We have had discoveries made of *Conspiracies*, but never bring them home to any body. We have sent for this man, (*Shales*) and cannot get him\*. I would know who has obstructed it.

Sir *William Leveson Gower*.] You have been moved for *Shales* to be sent for. Will that be any Security to the Government? I hope you will think of something else.

Sir *John Guise*.] The Order is, “To consider how to secure the Nation, &c.” I know not how *Shales* comes directly into this case. If the Errors of the last year must not be redeemed but by *Shales*’s coming over now, I think that strange. Perhaps the Queen may be very well satisfied without this; but it may satisfy her to have the Advice of this House; not that she wants Advice, but is it not usual for us to give Advice? The Credit of the Government may be in that Advice. I have laid down some of my own thoughts for the present: I hope other Gentlemen will do the same.

Sir *Henry Goodrick*.] Certainly *Shales* is in Custody by Duke *Schomberg*’s Order. One thing weighs upon me extremely; there is a wicked Party in this Kingdom, that incline too much to their Opinion. I wish the public good may be the common standard: When I hear of such Assemblies of Men, and that the *Scotch* Party increases in Arms, and some whom the King has extended his Grace to; when I see several persons taken in *Kent* and *Essex*, &c. I have reason to believe a general Conspiracy. In four or five weeks they go loose again; every man will make friends of the unrighteous *Mammon*, and favour them. I hope you will leave some such Power to prevent this. Let us not enter into any thing now to breed distinctions, nor sow such seeds of discord as cannot become prolific,

\* See Vol. IX.

but

but by a separation amongst ourselves. I would consider such as are in actual opposition against the Government, that they may be secured.

Sir William Whitlock.] What I heard from Goodrick calls me up. That persons should be secured, seems to me to be a retrenching the *Habeas Corpus* Act. If an Angel came from Heaven that was a Privy-Counsellor, I would not trust my Liberty with him one moment. I would not now have a way to break in upon that Law; for this very reason, I would not touch upon that Law, for there never can be greater discontent than breaking in upon that Law.

Mr Coningsby.] For some time I would repeal that Law; it does not so much save you, as that your Enemies, that would destroy the Government, may not have the benefit of the Government.

Sir Joseph Tredenham.] Our circumstances are very ill, if inconsistent with that Law.

Sir Henry Goodrick.] I appeal, how irregularly those Gentlemen speak to a thing never proposed. We are told of "Saints and Angels," by *Whitlock*, but I think there are none under his Cassock; but I offered only, whether it was not fit, some way or other, to save the Government; which it cannot be, unless the Persons that conspire its Ruin are prevented from walking about, &c.

Sir John Guise.] I desire that nothing may be done with the *Habeas Corpus* Act, which is part of the Bill of Rights; but a little severity to these men will be ineffectual. There is a Writ *Ne exeat Regnum*, and I hope the Lawyers will tell you, that that Writ may be extended without violating the *Habeas Corpus* Act.

Sir Edward Seymour.] I consider the Motion that brought you into this Committee, to preserve the Nation in the King's absence. I saw, in the Bill of Regency, the same dissatisfaction; if there be Reason, there may be Remedy—I expected to have heard another Debate than about *Shales*. The *Habeas Corpus* Act, the best Security of the Nation, I would not meddle

meddle with. I thought it had been the best part of the Security of the Nation, the Council about the Queen in the King's absence. I thought we could not be safe in the continuance of those hands who had so much shaken the Government. Whether it was their design, their ignorance, or misfortune, I would have no such bottoms to trust the Government upon. The King being here, the Government is assisted with vigour; if we have those Miscarriages now, I have no reason to believe we shall be safe in his absence. I believe no man will justify the Miscarriages. Now reflect how our condition will stand, in such arbitrary and uncertain hands. If a man be sick, and can have no remedy, when he finds one, and will not apply it, he is in a worse condition. I am afraid, if we do not apply to the King, to alter the Administration of the Government, in his absence, from the hands it is in now, your Government cannot last long.

*Sir Charles Sedley.]* That there are Misfortunes from Counsellors, I believe: I know not who they are, nor whether they are our friends. I have no Accusation against any of them. I have been at cooking this dish many a time. To put the King upon this Enquiry, now he is going away, would be unseasonable. Perhaps we are dissatisfied that some are in, and perhaps some would be dissatisfied if some of us were in. Pray let us go to some other business.

*Mr Foley.]* I have had experience how hard this has been. Heretofore none of the Privy-Council were ashamed of the Advice they gave; they set their hands to the Privy-Council Book. I propose, that, for the future, all Orders passed by the Privy-Council may be fairly entered, and that those present may enter their assent or dissent. Thus we may know, for the time to come, who gives Advice.

*Sir John Guise.]* I do not doubt of Sedley's "eating well, and cooking;" but I know no meat you have before you: I think this is not a jesting matter. I am of opinion, two ways must secure the Peace of the

the Nation ; by those who have done amiss formerly, not to be employed, to distaste the People. I know not who they are. We all know the Privy-Council who are present, and who the rest ; 'tis an easy matter to take them down, to see the Characters of Men. If the Characters have been formerly before you, if in former Reigns, or this, they have given distaste—Let Names be after Things. If all be well, and you have nothing to say to any body, pray let us go to dinner.

*Sir John Thompson.]* When I hear the several discourses to-day of our condition, and the remedies, I would not leave them upon your hands. If you do not all the good, do some. I am only afraid of this, that they that have done you the mischief in time past will put you out of all power of remedy. They who sold you to *France* once, may do it twice. I desire to do something, and leave the rest to Providence. I would form it into a Motion, *viz.* "That all those who advised the King to dissolve the last Parliament, may be removed from his Council."

*Mr Hutchinson.]* I would have the Journals searched. I think those under Impeachments, in former Parliaments, not fit to be near the King.

*Col. Granville.]* I hope we shall have some good effect of this day's Debate. If we knew from whence our Misfortunes come, they might be the easier remedied. I have heard Persons described : I am for the Head of the Privy-Council \* ; a great man, a bold man, and an able man, capable of making attempts on *English* spirits. When we reflect upon the arbitrary Actions and Counsels by the Marquess of *Carmarthen*, in King *William's* time, it reminds us of the same

\* The Earl of *Danby* had been made Lord President, and created Marquess of *Carmarthen*. He had, by his accomplishing the King's Marriage with the Queen, and heartily concurring in the Revolution from the very beginning, atoned in some measure for his proceedings under

*Charles II. Boyer.*

He is said to have pushed for the Treasurer's Staff, a Post he had formerly enjoyed, but was refused by the King, who was resolved the Treasury should be in the hands of Commissioners. *Reresby.*

Actions in King *Charles II's* time. I have heard of his merit in the Revolution—A private life would have better become him, and been more for his interest. I cannot wonder if people be cautious in sending Money to those that have so often miscarried. At one leap, from being Prisoner in the *Tower* to be President of the Council, sticks with me. He has been impeached by the Commons of *England*, and now to grasp at Power to satisfy his revenge upon those who have impeached him, for betraying the Liberties of *England*!—I would pass some censure upon him, and pull him down, though he were greater than he is: And I will be ready to do always so to those that betray the Liberties of *England*.

Sir *John Lowther*.] I did not think we should have had so profound a silence, if the danger had been from so great, so bold, and so able a man as Lord *Carmarthen*. For an Impeachment against him, and he never tried, if that be a reason why he should be kept out of the Council, it may be a reason why he should come in. I think those were great Crimes in the last Reigns, of surrendering Charters, and those were not called to account. We were told then to lay all things asleep; but if you will look into Grievances, look into the last occasions of your Ruin, not only into 1678, but 1684, and the rest.

Sir *John Guise*.] Mention has been made of other People in other Parliaments, &c. that have been well spoken of in this House; but I wonder that so knowing a Person speaks of Justification, when Pardons have been pleaded. In this case you have one mentioned, you may demand Judgment against him, and he has nothing to plead but the Pardon; a man at that time questioned for *French Money*\*; and 'tis an easy inducement for me to believe he will do so again. This Nobleman has formerly been concerned in this House; we know how that went off. We had such Reasons as I can never forget, why a Pardon cannot

\* When Earl of *Danby*. See Vol. VI. p. 348, 366, &c.

be

be pleaded to an Impeachment. He is President of the Council, and I could wish *Lowther* would tell us the good that Council has done. For my own common safety, I confess, I cannot have confidence in him. I second the Motion, and desire, "That, during the King's absence, the Lord Marquess of *Carmarthen* may not be left one of the Council."

Mr *Shadrach Vincent*.] Since I see it is now the fashion to name Privy-Counsellors, I will name another, who I desire may be turned out: He that delivered up the Charters in *Cornwall*. I mean the Earl of *Bath*\*.

Sir *William Leveson Gower*.] Till this matter be determined, I know not how you can enquire. If you will prosecute my Lord of *Bath*, he has no Pardon to plead, and, if he had, he will plead none. He will sooner turn himself out of the Council, than stay in with him, if you move him out.

Sir *Thomas Clarges*.] As to what relates to Lord *Bath*, and Lord *Carmarthen*, I will say nothing; but the matter of *Gloucestershire* (complained of by Sir *John Knight*, about raising the Auxiliaries) is ten times of greater concern, and no laughing matter. I say, it is levying War, and no better. There is no Law for Auxiliaries, but the Militia is our legal defence, and no Lord-Lieutenant can raise Auxiliaries; he is indemnified for what he has done, by the Act, but if there have been any raised since the Act, it is within the Law of levying War. I move, That a Committee may look into this matter. I cannot an-

\* In the new Charters that had been granted, the Election of the Members was taken out of the hands of the inhabitants, and restrained to the Corporation-men, all those being left out who were not acceptable at Court. In some Boroughs, they could not find a number of men to be depended on, so the neighbouring Gentlemen were made Corporation men, and in some of these, persons of other Counties, not so

much as known in the Borough, were named. This was practised in the most avowed manner in *Cornwall*, by the E. of *Bath*, who, to secure himself the Groom of the Stole's place, which he held all King *Charles*'s time, put the Officers of the Guards names in almost all the Charters of that County, which sending up forty four Members, they were for the most part so chosen, that the King was sure of their Votes on all occasions.

*Burnet*

sver my Duty to the King, nor my Trust in this place, if you enquire not into it.

Sir *Edward Seymour.*] I am under no good circumstances of making Speeches—I wonder that, what zeal soever men have for the thing, they should lead you out of Order. I wonder this should be concealed all this while: I love not art of any kind. Let not the Clock strike twelve at once; go on by degrees. It seems hard, that Crimes acted so long ago should now be called in question; it were so, if we took any thing from him. If not fatal, it is at least unfortunate, if he has done it at one time, that he may not act it again—It is a Question of common prudence for your safety. Let one thing take its determination, before you begin another. I would address the King to remove Lord *Carmarthen*: I am sure he will neither support the Church, nor the State.

Sir *Charles Sedley.*] You are upon two Motions; advice to the King not to leave his Privy Council to act all in his absence, but some Council besides the Privy Council. I have received no dis-obligation from this noble Lord, nor any favour from him; but pray keep us to some Order, and put a Question.

Sir *Henry Goodrick.*] Orderly and properly you are to proceed upon my Lord President; all the rest of the Debate is a deviation from the Question. I am sorry to hear another noble Lord named. I was one at first for not impeaching this noble Lord. He was advised by his Counsel to plead his Pardon, General accusations are general snares. Let any man, upon his honour, aver any of this Accusation: “Not fit to serve the Church nor State!”—I think it the greatest injury mortal man can have. ’Twas said by another, “That the Marques of *Carmarthen* acted the same part now, that the Earl of *Danby* did formerly.” Let them, on their honour, make it good against my Lord President. I require it in Honour and Justice, whether, upon a general Accusation, we should desire the King to remove him? Let Gentleman stand up in their

their places, and aver the Accusation, and I have done.

Col. *Granville.*] Before I make out what Lord *Carmarthen* has done, I hope *Goodrick* will make it good what Lord *Danby* has done.

Sir *Henry Goodrick.*] 'Tis strange to call upon a man of honour to accuse his friend.

Sir *Edmund Jennings.*] What proofs were made against Lord *Danby*, when he was impeached ? All know, the Impeachment was brought on by a trick. As to his Pardon, it was by the advice of Counsel, that he pleaded it. I believe he has given the King counsel to preserve our Properties, to prosecute the War in *Ireland* and *France*, and to keep the Crown on his head, and his head on his shoulders. In 1641, Lord *Strafford* was accused, and condemned with a *Ne trabatur in exemplum*. The King's Ministers were banished. (*And so he proceeded with the story of that time*) The mismanagement is from others about the King, and if any be in this House, it is fit they should be removed.

Mr *Dolben.*] The present subject of the Debate is Lord *Carmarthen*. Notwithstanding all the reflections upon him, I think him as well affected to the Government, as any at the Council-Board. It is said, "An Impeachment was against him ;" but no judgment was given on that Impeachment. I will not say that every thing has been well done ; he is a fallible man ; but as ill things have been done before his time, and since, as he has been accused of. He was a great and main instrument in declaring King *William* and Queen *Mary*, for which every good man has cause to thank God upon his knees. This great thing he has supported by all his actions since. Sure he has as great an argument to support them now, as he had then to bring about the Match. There is a relation in Principles, as well as Alliance, betwixt the Marquess of *Carmarthen*, and the Earl of *Bath.* I am against the Motion. If he be laid aside and removed, I fear a man less worthy may be put in his place.

*Sir John Thompson.*] If we may believe printed Letters, we must lay that Match upon Lord *Arlington*. I stand up to put you in mind of your Order. Put the Question, and the sense of the House will determine it.

*Sir Robert Sawyer.*] This that you are moved for, an Address to be made to the King, is to remove a certain enemy to King *James*, and a certain friend to King *William*. From his Impeachment, there was a perpetual enmity betwixt King *James* and him carried on in this House, by King *James*'s interest, for advising the King to send him beyond Sea.

*Sir John Lowther.*] The Objection against this Lord is his Impeachment. I have not seen great fruit of Impeachments; one was impeached (Ld *Clarendon*) who died in *France*, and had no prosecution. To this Lord as much is to be said, relating to the present Government, as any man. If the King be sensible of his marriage with the Queen, how can he resent this general Address to have him removed from him? If he has any secret designs of his own, notwithstanding the great service he has done, I think that argument of small weight, and should be sorry any such thing should go from this House. I have been told, he advised the Prince of *Orange* to come hither, and his counsel swayed much; if so, it is a sign the King relied much upon him. Before I engaged with him at *York*, I never knew him, and his presence with us in the North was an encouragement to us to hope for success. Since the King came in, no man could apply himself with more industry, with that tender Constitution of his, being eight hours together in the day in business. If dexterity of management could ex-piate, he has done as much as man can do, both for Church and State.

*Mr Ettrick.*] I am sorry that, without doors, we are divided into Parties—What can be a greater punishment to a man of honour, than to have an old Impeachment revived, and an Address to the King against

against him, as unfit to be near him, and to remove him? What can be more unfortunate, than for the King to tell you, he knows nothing of this Lord, why he should remove him?

Mr Harbord.] The King's Enemies will be glad to hear of the divisions among us on this occasion. This Lord did two things remarkable in serving the Nation; no innocent blood was spilt in his time, when the Streets ran blood; and dissolving the Pensionary Parliament: And my Lord of Bath sent assurance to the Prince of Orange, "That he would be for him whenever he landed." It is unfortunate, that these two persons should be named. I dare not propose what to advise, but these animosities are not for the King's nor the Kingdom's service.

[Resolved, That a Committee be appointed to enquire into the listing, assembling, and exercising of Papists, and other disaffected Persons in Arms, in several Counties in the Kingdom, without their Majesties Commission.]

Thursday, May 15.

Sir Thomas Littleton reports the free Conference with the Lords, about nomination of Commissioners for the Poll Bill; viz.

"The Lords overlooked the nomination of Commissioners in the last Poll-Bill by haste, for the public good; and the Lords thought they might amend it by a subsequent Bill."

To which the Managers answered, "That had there been an omission of Commissioners, the Commons would have consented to have supplied it, but Commissioners were named—And to name Commissioners now the Act is in force, would weaken the Act; now if these Commissioners from the Peers have authority to tax them, it would abolish the old Commissioners—If the Lords had pursued former methods, and left the nomination to the King—but now we named them not, but left them to the King. He to appoint out of what Society, and not new ones, as the Lords have done, to invert the whole order of the Bill. In the last Poll, the Temple had no Commissioners, and so they were not taxed to that Society."

The Lords said, "They took this as a handle to retrieve their ancient Right."

Debate.

## Debate.

*Mr Sacheverell.]* In the former free Conference, the Lords thought it a good opportunity to get this Privilege, and now they would take an opportunity to get two more. They tell you, "They are put upon this Conference to maintain a good correspondence," and now they bind you to confer with them, and you to say nothing. I never knew a free Conference, but there was liberty to debate, but in this there was not. But was the Money-Bill of ten times greater consequence than it is, I would never give this up upon a point no way justifiable. It seems, the Lords grudge the King the Money that the Commons have given him. I would adhere, and let the King know who has given the Money from him.

*Sir Robert Howard.]* At last this may become a Precedent for the Lords to tax themselves in any Bills of Money for the future. As for the Inns of Court, it is an argument ill returned upon us, as if that Body was an example for the Peerage—There is no need of fear for the loss of the Bill—In this Bill, you tax directly as you tax Land—I would rather lose the Bill, than not adhere.

*Mr Hampden.]* This is an odd way of a free Conference; the Lords adhere;—they should have sent you the Bill back with the Vote—Say what they please, they will give you no liberty to reply. If Reasons, then according to method of Parliament, we should have first adhered. It so much concerns the methods of the Houses, that I would not depart from it. I would have a Committee to enquire into it, and then you may give your Reasons why the Order of Parliament is subverted.

*The Speaker.]* If the Bill be left with you, they may adhere, and it is not unparliamentary—It is not unparliamentary to adhere, upon the first free Conference.

*Sir Richard Temple.]* I would not dispute whether you may adhere, or not, but it is never delivered at a free

free Conference, which implies Debate ; and they tell us, "They are tied up to debate no farther, but adhere." In this case, there is no colour for the Lords to stand upon this. In the old Subsidies, the King named the Commissioners. How can the Lords challenge any such Privilege ? After the King's return, upon the Act for settling the Militia, the Lords insisted upon it, "That they were obliged to go with the King to War, and therefore they were not taxable to the Militia ;" but we showed them they had been taxed at so many Horses,—and we did retrieve that again. I say this only for the consequence sake. Upon these grounds, I would appoint a Committee to state these irregularities.

*Mr Sacheverell.]* I desire that a Committee may draw up truly the state of the case betwixt the Lords and you to-day, and have the Right entered into your Books.

*Sir Thomas Lee.]* The Lords in a manner tell you, "They will recover their Privilege." In ordinary course of Parliament, there are two free Conferences at least answered, and both Houses considered by adding and improving their Reasons, and then they come to adhering. This is the usual course, but, by this short way, all opportunity of an expedient is lost. They will say the fault is ours ; they will have the last word, like Counsel, the last argument.

*Mr Hampden.]* The proper Question is, Whether adhere, or not ; for you cannot have a free Conference ; you are to send up word, whether you adhere or agree. I would propose a distinct Conference only with the Lords, whether you agree or not agree to this ; that the manner of passing Bills may be set right, and give the Lords Reasons, or else you will never have liberty to adjust the matter of proceeding ; but no more upon this Bill.

*Sir Christopher Musgrave.]* I agree with *Hampden*, that you agree, or adhere, before you proceed farther. In the first place, I would determine the Question

concerning the Conference. I never did know so irregular a proceeding as to require of you to repeal the manner and method of Parliament, in explanatory Acts—One might give this a very hard word. All we can expect upon appointing a Committee, &c. is to let the Lords see, they have inverted methods of Parliament. “Agree, or adhere,” is your Question.

*Sir Robert Howard.]* It is impossible to go any other method than adhere, or not—On the case itself, whether you will allow the Lords this manner of way to tax themselves.

*Sir Thomas Lee.]* The Lords, upon the first free Conference, have adhered; and, at the second, the Lords did not only give you a Vote, but strengthened it with Reasons; therefore I would not send the Lords a Message of “adhere, or not;” but ask a Conference to settle the Methods of Parliament, and then to show the Lords, that they have gone out of Methods, if not out of Precedent, and possibly you may not lose the Bill—Their adhering may possibly prove but disagreeing.

*Mr Hampden.]* I am willing to hear any expedient, but would not force one, where the thing will not bear it. I never knew *Lee's* distinction of “Adhesion, and final Adhesion.” I confess I never heard it, not so much as a Term of Parliament. But how one House can adhere, and not finally, I never heard. You may send them a Message, that you adhere, and at the same time you may confer about Methods of Parliament; that can never be but in the usual course. I would send word, that you have adhered; and according as the Committee shall inform you of the course and method of Bills, if both Houses adhere, to find out any expedient; but I believe they cannot.

*Sir Richard Temple.]* The Lords will refuse Conference upon a general subject; but, before your Adhesion, you might have represented the Irregularities of the Lords Proceedings; but I would not send up your Adhesion, till you find, by your Committee, an Irregularity in the Conference.

Mr

*Mr Sacheverell.*] 'Tis the first time I ever heard of debating after you adhere. You adhere as the Lords have done, and now *Temple* offers you, that, after you have voted to adhere, you shew the Reasons why—If you do adhere, why will you not send the Lords word, and then send them your Reasons?

*Mr Hampden.*] I said, "It was not too general a matter to desire a Conference of the manner of passing Bills," that is particular enough; but still there sticks, that the House is not satisfied in the manner of proceeding, and therefore desire a Conference—The more proper Message is, to desire a Conference upon the matter of passing Bills, and then adhere when you come to it.

*Sir Joseph Tredenham.*] I have known, when a general Message has been sent, the Commons have refused Conference about Impositions upon the Subject. Adhering is an end of all things; but I would have a Conference upon Methods, to preserve the ends of Parliament—My Motion is, that you acquaint the Lords, and then desire the Conference about the Method of passing Bills.

*Col. Birch.*] I desire to be excused if I differ in what you are about to do. I confess I never heard of that way before. I desire we may follow the old way. You have voted "adhere," and now you would mince it. I would have the Committee to collect Reasons for what you do, and enter them upon your Books. I was so bold as to tell the Lords, "That, if they got this, they would get more."—I would not therefore lose time in things fruitless; therefore I would look back into 1664 and 1665, about the rating Sugar: The Commons would not let the Lords touch it; but the Lords held us so hard to it, in several Conferences, that they told us we had joined with them in raising Money to build a Bridge in \*\*\*\*shire†. This Bill will be lost, and no Reprieve for it; but I see not yet,

† *Sic Orig.*

why,

why, in three lines, you may not put this very thing, in the Subsidy-Bill.

[Resolved, That a Message be sent to the Lords, That this House does adhere †, to the following effect:

May 16, 17, 19, 20, and 22 Omitted.]

[Friday, May 23.]

His Majesty, in the House of Lords, after passing the Bill of Indemnity †, was pleased to speak to both Houses to the following effect:

“*My Lords and Gentlemen,*  
“I have had such assurance of your good affections to me, that I come now to thank you; and particularly for the Supplies you have given me: The season of the year is so far advanced, that I can no longer delay my going into *Ireland*; and therefore I think it necessary to have an Adjournment of the Parliament.

“And although it shall be but to a short day, yet, unless some great occasion require it, (of which you shall have due notice) I do not intend you shall sit to do Business untill the Winter; and I hope, by the Blessing of God, we then shall have a happy Meeting.

“In the mean time, I recommend to you the discharge of your Duties in your respective Counties, that the Peace of the Nation may be secured by your vigilance and care in your several stations.”

The Lord Chief Baron afterwards signified his Majesty’s pleasure, That both Houses should adjourn till the 7th of July next §.

† This is not entered in the Journal.

‡ In this Bill, of all the late instruments of Popery and Arbitrary Power, thirty-five only were expressly excepted; and of them, few or none were made Examples to the Justice of the Nation.

When the Bill was sent down to the Commons, Mr Baron Turton brought this Message from the Lords: “Mr Speaker, His Majesty has been pleased to send this Bill, which the Lords have accepted, and passed, *Nem. Con.* and now send it

down to this House.” Though the Commons immediately passed the Bill, they demanded a Conference, in which they intended to acquaint their Lordships, “That it is unusual for either House to acquaint the other by what number any Bill before them do pass; and the introducing any alteration in the usual method of proceedings, may be of dangerous consequence.” But a stop was put to this affair by the Adjournment. See the Journal.

§ The King set out for *Ireland* the 4th of June, attended by Prince George

[Monday, July 7, the House met, and was prorogued, by Commission, to the 28th instant; from thence to August 18; and from thence to September 8.

[Monday, September 8, the House met, and immediately adjourned to the 11th instant; from thence to the 12th; and from thence it was prorogued, by Commission, to October 2.]

*The Compiler being absent all this Session, the following Abstract is given from the Journal.*

[Thursday, October 2.

The House met, when his Majesty, in the House of Lords, spoke as follows:

“ My Lords and Gentlemen,

“ Since I last met you, I have used my best endeavours to reduce Ireland into such a condition this year, as that it might be no longer a Charge to England; and it has pleased God to bless my endeavours with such success, that I doubt not but I should have been fully possessed of that Kingdom by this time, had I been enabled to have gone into the field as soon as I should have done; and, as is more especially necessary in Ireland, where the rains are so great, and begin so early.

“ I think myself obliged to take notice, how well the Army there have behaved themselves on all occasions, and borne great hardships with little Pay, and with so much patience and willingness, as could not proceed but from an affectionate duty to my service, and a zeal for the Protestant Religion.

“ I have already made it evident, how much I have preferred the satisfaction of my Subjects before the most solid advantages of the Crown, by parting with so considerable a branch of its Inheritance; and it is no less apparent, that I have asked no

George of Denmark, the Duke of Ormond, &c. On the 14th he landed at Carrickfergus, and on July 1, gained the famous Victory of the Boyne, which obliged King James to return to France, and was a prelude to the reducing of Ireland. In the mean time, England was threatened with a French Invasion, their Fleet having entered the Channel; and, on June 30, with a superiority of 70 sail to 50, it came to an engagement with the English and Dutch, under the Earl of Torrington, near Beachy in Sussex; but,

though the advantage was on the enemy's side (the Dutch losing six ships, and the English one) no descent was made, the French being contented with insulting the coast; and nothing could exceed the prudence and activity of the Queen's measures. The Earl of Torrington, being charged with misconduct, was sent to the Tower; and though he was afterwards acquitted by a Court-Martial, he was dismissed from his employments by the King. His Majesty returned to England, September 6.

Revenue

## Debates in Parliament in 1690.

Revenue for myself, but what I have readily subjected to be charged to the uses of the War.

“ I did, at my departure, give Order for all the public Accounts to be made ready for me against my return; and I have commanded them to be laid before the House of Commons: By which they will see, that the real want of what was necessary beyond the Funds given, and the not getting, in due time, that for which Funds were assigned, have been the principal causes why the Army is in so much Arrear of their Pay, and the Stores, both for the Navy and the Ordnance, not supplied as they ought to be.

“ Now, as I have neither spared my Person, nor my pains, to do you all the good I could, so I doubt not, but if you will as chearfully do your parts, it is in your power to make both me and yourselves happy, and the Nation great: And, on the other hand, it is too plain, by what the *French* have let you see so lately, that, if the present War be not prosecuted with vigour, no Nation in the World is exposed to greater danger.

“ I hope, therefore, there will need no more upon that subject, than to lay before you, *Gentlemen of the House of Commons*, the State of what will be necessary for the support of the Fleet and Armies, (which cannot possibly admit of being lessened in the year ensuing) and to recommend to your care the clearing of my Revenue, so as to enable me to subsist, and to maintain the Charge of the Civil List; the Revenue being so engaged, that it must be wholly applied, after the 1st of *November* next, to pay off the Debts already charged upon it; and therefore a present consideration must be had of the Arrears of the Army, which shall likewise be laid before you, and for all which I must desire a sufficient and timely Supply.

“ It is farther necessary to inform you, that the whole support of the Confederacy abroad will absolutely depend upon the speed and vigour of your Proceedings in this Session.

“ And here I must take notice, with great satisfaction, of the readiness which my Subjects, of all degrees, have shown, both in this City, and in their several Counties, by giving their assistance so chearfully as they did in my absence, while the *French* Fleet was upon our Coasts; and, besides this so convincing mark of the good inclinations of my People, I have found, through all the Countries where I have passed, both at my going into *Ireland*, and in my return from thence, such demonstrations of their affections, that I have not the least doubt but I shall find the same from their Representatives in Parliament.

“ I cannot

“ I cannot conclude, without taking notice also, how much the Honour of the Nation has been exposed by the ill conduct of my Fleet, in the last Summer’s Engagement against the French; and I think myself so much concerned to see it vindicated, that I cannot rest satisfied till an example has been made of such as shall be found faulty upon their Examination and Tryal; which was not practicable while the whole Fleet was abroad; but is now put into the proper way of being done as soon as may be.

“ *My Lords and Gentlemen,*

“ I look upon the future well-being of this Kingdom to depend upon the result of your Counsels and Determinations at this time; and the benefit will be double, by the speed of your Resolutions; insomuch that I hope you will agree with me in this conclusion, That whoever goes about to obstruct or divert your application to these matters, preferably to all others, can neither be my Friend, nor the Kingdom’s.”

The House then adjourned to *October 6*, when it was *Resolved, Nem. con.* That an humble Address of Thanks be presented to his Majesty, for his going into *Ireland*, and hazarding his Royal Person for the reducing thereof; and congratulating his Success, and happy Return: And a Committee was appointed to prepare it.

*Resolved, Nem. con.* That it be an Instruction to the said Committee, to assure his Majesty, in the said Address, that this House will assist and support his Majesty and his Government to the utmost of their Power.

*Resolved, Nem. con.* That an humble Address be presented to her Majesty, acknowledging her gracious Government during the absence of his Majesty, and returning the humble Thanks of this House for the same: And the same Committee was ordered to prepare it.

*Ordered,* That the Votes of the House be printed, being first perused by the Speaker. Adjourned to

*Wednesday, October 8.*

When the several Addresses were reported, and agreed to: *Which see in the Journal.*

The Privy Counsellors of the House were ordered to move his Majesty, That a State of the War for the year ensuing might be laid before the House.

Accordingly, on *October 9*, the Earl of *Ranelagh*, Pay-master of the Army, acquainted the House, That he had, by his Maje-

## Debates in Parliament in 1690.

Majesty's order, prepared a List, or State of the Land Forces, for the next year ready; and that his Majesty had declared, "That no more thereof should be used within his own Dominions than were absolutely necessary;" and that, besides what the said State amounted unto, the Army was in arrear 800,000*l.* And he delivered in the said State, or List, amounting in the whole, Horse, Dragoons, and Foot, to 69,636 men, and 1,910,560*l.* 7*s.* charge.

Then Sir Thomas Lee, one of the Commissioners of the Admiralty, presented the House (in like manner) an Estimate of the Navy for the year ensuing, including the Ordnance, amounting in the whole to 29,026 men, 1,791,695*l.* 1*s.* 6*d.* charge; both which Estimates were referred to the Committee of Supply.

The Officers of the Ordnance demanded for the ensuing year, one eighth part of the whole charge of the Navy, and one fifth part of the charge of the Army.

A Supply was voted for the entire Reduction of Ireland, and securing the peace of this Kingdom, and carrying on a vigorous War against France.

In the afternoon the House attended their Majesties with their Addresses, to which the King replied, "All Addresses from the House of Commons are agreeable to me, especially such as express such a respect and affection to my Person as this does: I shall always pursue the good and interest of the Nation."

The Queen answered, "I thank you, Gentlemen, for your Address, and I am very glad that I have done any thing to your satisfaction."

*October 10.* The Estimate of the charge of the Navy was voted reasonable, and the Sum was ordered to be raised accordingly.

*October 13.* A Supply was voted to their Majesties for maintaining of an Army of 69,636 men; and, *October 14,* the Sum of 2,294,560*l.* was voted for that purpose.

*October 16.* Towards raising the Supply, an Assessment of 137,641*l.* 18*s.* 2*d.* per month, for twelve months, was ordered to be charged on Land, and a Bill was ordered in accordingly.

The Earl of Torrington\*, having desired to be heard before the House, touching the matter for which he was in custody, he was brought thither by the Marshal of the Admiralty, and heard, *November 12,* and his Lordship's relation of the Engagement was delivered in by Mr Henry Herbert, *November 17.* *ed 13.* *November 21,* A Bill for doubling the Excise on Beer, Ale, and other liquors passed.

*November*

\* See page 151, Note.

157  
158

## Debates in Parliament in 1690.

November 25, His Majesty came to the House of Lords, and after passing several Bills, made the following Speech.

*My Lords and Gentlemen,*

" I take this occasion, with great willingness, to assure you, that I am extremely sensible of the zeal and chearfulness of all your proceedings in this Session of Parliament, and of the readiness which you, *Gentlemen of the House of Commons*, have shown in granting such large Supplies towards the pressing occasions of the Navy and Army."

" And I do farther assure you, that I shall not be wanting, on my part, to see them exactly applied to those uses for which you intend them.

" At the same time, I must observe to you, that the posture of affairs abroad does necessarily require my presence at the *Hague* before the end of this Year; and, by consequence, I must desire you to lose no time in the dispatching and perfecting such farther Supplies as are still necessary for the Navy and Army and not for them only, but it is high time also; to put you in mind of making some provision for the expence of the Civil Government; which has no Funds for its support, since the Excise, which was designed for that service, and also the other branches of the Revenue, have been applied to other public uses; and, therefore, I earnestly recommend it to your speedy consideration."

The substance of this Speech the King repeated (after passing several Bills) on December 20, urging them "to use all possible dispatch, as the posture of affairs abroad would not admit of deferring his journey much beyond that time."

A Bill for attainting persons in Rebellion in *England* and *Ireland*, and for applying their Estates towards the Charge of the War, passed December 23.

December 24. A Sum not exceeding 570,000*l.* was voted to their Majesties, for the building of seventeen third Rate Ships of 80 Guns each, and ten fourth Rates of 60 Guns each (as desired by his Majesty in his last Speech.)

And, on January 5, the King, being impatient to be at the Congress in *Holland*, came to the House of Lords, and, after passing all the Bills that were ready, made the following Speech:

*My Lords and Gentlemen,*

" Having lately told you, that it would be necessary for me to go into *Holland* much about this time, I am very glad to find that the success of your endeavours to bring this Session to a happy conclusion, has been such, that I am now at liberty to do

do it. And I return you my hearty thanks for the great dispatch you have made in finishing the Supplies you have designed for carrying on the War; which it shall be my care to see duly and punctually applied to that service for which you have given them. And I do likewise think it proper to assure you, that I shall not make any Grant of the forfeited Lands in *England* or *Ireland*, till there be another opportunity of settling that matter in Parliament, in such manner as shall be thought most expedient.

“ As I have reason to be very well satisfied with the proofs you have given me of your good affection in this Session of Parliament, so I promise myself the continuance of the same at your return into your several Countries. And as every day produces still fresh instances of the restlessness of our Enemies, both at home and abroad, in designing against the prosperity of this Nation, and the Government established, so I do not doubt but that the Union and good Correspondence between me and my Parliament, and my earnest and constant endeavours for your preservation on the one hand, joined with the continuance of your zeal and affection to support me on the other, will, by the blessing of God, be at all times too strong for the utmost malice and contrivance of our common Enemies.”

The Lord Chief Baron then declared his Majesty’s pleasure, That both Houses should adjourn to *March 31* next ensuing, which they did accordingly\*.

*March 31, 1691.* The House met, and by her Majesty’s pleasure adjourned to *April 28*, from thence to *May 26*, when it was prorogued by Commission to *June 30*; from thence it

\* The King set out for *Holland* the next day, but the wind being contrary, he returned to *Kensington* on the 9th, and seven days after set out again, and after a very dangerous voyage, landed on the 18th. Soon after, a most numerous Congress of Sovereign Princes was held at the *Hague*, at which King *William* presided, and where it was resolved to employ 222,000 men against *France*, of which *England* was to furnish 20,000. However, the *French* were so early in the field as to besiege *Mons*, *March 5*, and to oblige it to surrender *April 1*. The King, being unable to raise the siege, returned to *England* *April 13*. In his absence a Plot had been discovered for restoring King *James*, laid by

the Earl of *Clarendon*, the Bishop of *Ely* (Dr *Turner*) Lord *Preston*, and his Brother, and *Penn* the Quaker, for which *Ashton*, a servant of King *James*’s Queen, was executed *January 28*. The King set out again for *Holland* to take the command of the Allied Army, *April 30*, but nothing material ensued in *Flanders*. Gen. *Ginckell* completed this Summer the reduction of *Ireland*, by the taking of *Athlone*, *June 30*; the victory at *Aghrim*, *July 12*; and the taking of *Limerick*, *October 3*; for which services he had a Pension, and the Thanks of the House of Commons, and was created Earl of *Athlone* and Baron *Aghrim*. The events at Sea were inconsiderable. The King returned to *England* *Oct. 19*. was

was prorogued to *August 3*, from thence to *October 5*, and from thence to *October 22*.

*Thursday, October 22\**, 1691. The House met, when his Majesty, in the House of Lords, made the following Speech to both Houses, (reported by the Speaker :)

*“ My Lords and Gentlemen,*

“ I have appointed this meeting of Parliament as soon as ever the affairs abroad would admit of my return into *England*, that you might have the more time to consider of the best and most effectual ways and means for the carrying on of the War against *France* this next Year.

“ I am willing to hope, that the good Success with which it hath pleased God to bless my Arms in *Ireland* this Summer, will not only be a great encouragement to you to proceed the more chearfully in this Work, but will be looked upon by you as an earnest of future Successes, which your timely assistance to me may, by God’s blessing, procure us all. And, as I do not doubt but you will take care to pay the Arrears of that Army, which hath been so deserving, and so prosperous in the Reduction of *Ireland* to a peaceable condition, so, I do assure you, that there shall be no care wanting, on my part, to keep that Kingdom as far as it is possible from being burdensome to *England* for the future.

“ I do not doubt but you are all sensible, that it will be necessary we should have as strong a Fleet next Year, and as early at Sea, as we had this Summer; and I must tell you, that the great power of *France* will as necessarily require, that we should maintain a very considerable Army, ready, upon all occasions, not only to defend ourselves from any insult, but also to annoy the common Enemy where it may be most sensible to them; and I do not see how it is possible to do this with less than 65,000 men.

“ I shall only add, that by the vigour and dispatch of your Counsels, and assistance to me in this Session of Parliament, you have now an opportunity in your hands (which, if neglected, you can never reasonably hope to see again) not only to establish the future Quiet and Prosperity of these Kingdoms, but the Peace and Security of all *Europe*.”

The House afterwards adjourned to the 27th, when it was *Resolved, Nem. con.* That a congratulatory Address be presented to his Majesty, for his safe and happy return, after the many hazards to which his Majesty has exposed his sacred Person; and for the success of his Majesty’s Arms in the re-

\* The Compiler was absent till *November 7*.

ducing of *Ireland*; and to assure his Majesty, That this House will stand by, and assist him to the utmost of their power, in carrying on a vigorous War against *France*: And that an humble Address be presented to her Majesty, acknowledging her prudent Administration in the absence of the King. And a Committee being appointed to prepare them, they were reported, and agreed to the next day. (*See them at large in the Journal.*)

*October 29.* The House attended their Majesties with the Addresses, to which the King was pleased to answer, “ Every thing that comes from the House of Commons is very agreeable to me, especially when attended with such affection as this Address is; which deserves my acknowledgement: I shall endeavour to bring *France* to an honourable Peace for us, and our Allies: I expect to be assisted with the means from you; and there shall be nothing wanting, on my part, to effect it.”

The Queen replied, “ Gentlemen, I am glad I have done any thing to your satisfaction.”]

Saturday, November 7.

On the Miscarriages in the Fleet\*.

Admiral *Russel.*] I told you the other day, “ that the shorter day was the better,” and I am now ready to give you all the satisfaction I can.

Mr *Howe.*] *Russel* has offered to answer any Miscarriage of the Fleet, and nobody offers any Objection; therefore I move, that you will vote there has been none at all.

Mr *Montagu.*] If there has been no Miscarriage of the Fleet, we are off from that concern. We cannot take too much care for the future. If there be no notorious Miscarriages, it is not for your honour, nor the interest of the Nation, to force Miscarriages. If nobody has any thing ready to offer, I would not put discouragement on Gentlemen, but pray leave the Chair.

Sir *Robert Cotton.*] There have been Miscarriages, without doubt, but if you do not think fit to lay any charge upon *Russel*, if nothing appear, leave the Chair.

In a Grand Committee.

Sir *Thomas Clarges.*] I take this day to be appointed to consider the State of the Nation; which I do not

\* This day was appointed to enquire into them, and who had been the occasion thereof, by an Order on the 3d.

think

think determined in Misdemeanors of the Fleet, but of others. *Russel* said, "He would give you an Account of the Fleet."—I would not be made a popular mark to be an Accuser; I come not to accuse Persons; I would avoid that: All that I drive at is, I would be sensible of the Miscarriages we are in, and obviate future, for the safety of the Fleet. Whether we have Confederates or not, we are an Island, and I thank God, we have enough to defend the Kingdom, and the Government, if rightly managed. Something, as a Commissioner of Accounts, I have to say. The Fleet cost 200,000*l.* to be ready by the middle of *April*; I think the 12th. If that be so, at that time there was no Admiral aboard; and it was put to a greater compliment than the thing would bear—The Fleet came not into the *Downs* till the 16th of *May*, and was at charge all that time. I said, the other day, "They had three days good Wind:" I ask your pardon; I say now, they had six; and I have the Journal, which is the notification of the Wind, when, and where, and the Fleet stayed all that time at the *Buoy of the Nore*; they were tiding from the 20th to the 22d, till they came to *Torbay*, and the 23d they made sail, and weighed anchor at E. N. E. At nine in the morning, the Admiral had notice that the *French* Fleet was a few Leagues from *Ushant*. The Admiral had an Express from *Plymouth*, that the *French* Fleet was got a few Leagues from *Ushant*. The Admiral of the Blue Squadron had notice, when the *French* were off *Ushant*, to prepare for fight—Tho' the Wind was fair, time was spent in drawing out into Lines of Battle, when the Enemy were 80 Leagues off. At eight in the evening, the Fleet bore away for *Ireland* by *Scilly*, instead of making to the Ocean to save the *Smyrna* Fleet\*.

M 2

This

\* The Fleets being almost of equal strength on both sides, the *French* as cautiously avoided a general Engagement as they sought it the year before. Their design was to intercept the *English Turkey*

Fleet, which was exceedingly rich; for which purpose they hovered a long time about the *Irish* coast, and had sailed from *Kinsale* but a few days, when the *Smyrna* Fleet came all safe into that harbour.

The

This I take to be a Misdemeanor. One *Barnes* of *Dartmouth*, coming from *Portugal*, gave an Account that most of the *French* great Ships were laid up at *Brest*. Then might the Ships have been convoyed out of *Ireland*, who lay at great Charges. You may send for one or two or more Officers, to enquire farther.

Admiral *Russel*.] I believe, what *Clarges* says, he believes to be true. First, as for my omission of being aboard, there were never more pains taken by any body, else the Fleet had not been near so ready. I think, from *Christmas* not a week passed, but I was at *Chatham*, or *Portsmouth*. I believe there were faults in fact, and some of those mentioned did happen. I gave Reasons for what I did by Letters, and shall give the House, or the Committee, Account of them.

Sir *Thomas Clarges*.] I would not do any thing, for all I am worth, to injure *Russel*: But I hope that, without offence, I may ask *Russel*, whether all the Fleet was not ready, and he not on board?

Admiral *Russel*.] I say positively not. I had Supernumeraries; and, out of those 700, I manned four Ships.

Sir *Thomas Clarges*.] I say there were six days fair Wind, and the Fleet did not sail. Discourses are transient, and I desire I may bring in writing all these Mis-carriages; and, if you please, at a Committee, these may be answered; and likewise that the Vice-Admiral of the Blue Squadron may be sent for, to hear the whole matter. My zeal for your service induced me to this. Put it into what method you please. *Russel* said, the other day, "He would give you a Scheme of all the Passages of the Fleet." If he will deliver that Scheme, pray let us have it.

The *English* Grand Fleet all this while kept another course, for want of intelligence; but as soon as Adm. *Russel* was informed that the *Smyrna* Fleet was got into *Kinsale*, he steer'd thither from *Cape Clear*, and afterwards took all possible care that they might be safely convoyed into their respective Ports, and then stood over to *Ushant* in quest of the Enemy, whom he understand'd to be returned that way to their own coasts. The *French* had orders to avoid an Engagement, and tho' for the space of two months, *Russel* did all he could to come up with them, yet they still kept at a distance, and sailed off in the night.

*Bowyer, Burnet.*  
Admiral

Admiral *Russel.*] I am ready to answer any Questions that shall be asked.

Sir *Samuel Barnardiston.*] I desire that Scheme may be brought you in. We have the Journals, and they are not yet prepared; therefore, I desire you will put it to a farther day.

Sir *Thomas Clarges.*] It is the wisdom of the Parliament to see through things; we are not for a Compliment to cover things. Was it no Miscarriage, when the *Harwich* Frigate being at an anchor, one ran over that Ship? Has he that ran over her been tried? The loss of that Ship is near six times that loss. I am not here to ask Questions, but fifteen Ships had like to have been lost at *Plymouth*\*. Though *Russel* may be faultless, there is unskilful and deceitful ill managing; but they were both ill. I require from *Russel* a Scheme of that Summer's Action.

Admiral *Russel* proffered to read two Letters, on that subject, of not sailing.

Sir *Thomas Clarges.*] I would know whether the Wind was not fair those six days?

Admiral *Russel.*] The Wind was fair three days.

Sir *Thomas Clarges.*] If the Sea-Journals contradict what I say, let me be ridiculous to you. On the 17th, the Wind was at N. N. W.

Sir *Christopher Musgrave.*] The method of Question and Answer is a hardship on both parts. Let Questions be put in Writing, and the Answers, but it is against the use of the House to return again into a Committee, by way of Question and Answer; a method you never knew in this House.

Mr *Hampden.*] I am a little impatient to see the Debate go on in this manner. I never saw the like, nor ever were the like Questions to be asked. It was

\* The season being over for action, *Russel* came into *Plymouth* in a storm; which was much censured, for that Road is not safe; and two considerable Ships [the *Coronation*, a second Rate, and the *Warwick*, a third Rate] were lost upon the occasion. Great factions were among the Flag Officers, &c. *Burnet.*

never known in this manner in a House of Commons, and it must be the Opinion of the House, whether the Questions should be asked. All this is but interlocutory discourse betwixt Members, and you stand still and hear it. It is improper to go into a Committee again, but let it be put to a private Committee, and whoever is concerned, let them put in their Papers.

[Sir John Thompson.] This day has given you a manifest experience of part of the misfortunes of the Nation, when we Country Gentlemen must be Examiners and Accusers; whereas those near Affairs can give you a better Account, if they please, and, for fear of loss of Offices, will not inform you. If there be any Miscarriage, I will not attribute it to the Admiral, but to the Orders he was cramped by; and, at this rate, in a few days you must be to seek for an Admiral. One is already laid aside \*, and this damped. If you change your hands a thousand times, and have still the same Councils, are you mended? The fault is nearer, and Gentlemen will not see it. If it is really your intent, and you will go to the Bottom, you will see something very extraordinary. Here is a Miscarriage of the Navy, and a Warrant is produced, "and this Warrant is my Authority to do an illegal thing, because stamped with Majesty." I believe Admiral *Russel* would not take a false Guinea, because it has the King's Picture upon it. But persons do not discharge their places, and illegal Warrants are not to be obeyed, and it ought to have been laid before the King, and the Privy-Council. Verbal Orders, either to the Admiral or Admiralty, are not to be obeyed. Convoys were sent where never Merchants came; and it is your business to come at such persons as gave these Orders. I believe *Russel* has done all by a superior Order. We still quarrel with the Agent, but look not after the Instrument. I move for a day for consideration of this. On Monday you give away your Money, and on Tuesday you will see what is become of it,

\* The Earl of Torrington. See p. 151. Note.

Mr *Waller.*] I second the Motion, only I will make one Observation: I apprehend the Admiralty is in Commission, and *Russel* has his Commission from them. I wonder I hear nothing from them. I hope they will be here on *Friday*.

Mr Comptroller *Wharton.*] I differ a little in the method. I have a tenderness for the Commissioners. It is hard upon *Clarges*, and them, to bring in any particular Accusation; to do it effectually, which I would have done—Every body takes notice of this day's Debate, and will prepare themselves, and that will be without putting any one on particular hardships.

Sir *Thomas Clarges.*] Look upon the whole disposition of the Navy, and you will find, in all, Miscarriages from top to bottom. *Russel* said, “He would give you the State and Disposition of the Fleet.” I would put no day for this particular occasion, but go into the Committee of the State of the Nation, that other things, besides the Navy, may be considered of.

[*Tuesday* was appointed for considering the State of the Nation.]

[*Monday, November 9.*]

The Earl of *Ranelagh*, by his Majesty's Order, delivered in a List of what Forces the King thought necessary for the next Year's service, amounting in the whole, Horse, Dragoons, and Foot, to 64,924 men, and 2,255,671*l. 15s. 2d.* annual pay; and acquainted the House, “That how these Forces should be distributed, his Majesty had not yet resolved; but that, howsoever, the King had commanded him to tell this House, That he will keep no more of them in his own Dominions than what he shall judge absolutely necessary for their security, and the rest he will transport beyond seas, in order to annoy the common Enemy, where it may be most sensible to them.”

And Sir *Richard Onslow* presented to the House an Estimate of the Charge of the Navy, for the Year 1692, amounting in the whole to 30,000 men, and 1,855,054*l.* charge (See the *Journal*) both which Estimates were referred to the Committee of Supply.

In a Grand Committee. On the Supply.

*Mr Foley.]* The Government, for three years past, eleven Millions! Never so much was paid to the Navy and Army; and I know not why a third part of eleven Millions may not carry on the War for one Year. A great deal has been anticipated of what we have given already.

*Col. Austen.]* I believe all are unanimous, that a Fleet is necessary. 'Tis a great Charge, and necessary it should be so. You found the effects of the Fleet short last Year. These 30,000 men laid at a medium, I should be willing to hear any thing to lessen the Charge.

*Sir Thomas Clarges.]* None in this House but think a good Fleet necessary. You had a good Fleet last Year, and if they had had courage, you might have had a better account from them, having more Men, Tonnage, and Guns, than heretofore; and they had not gone before the Enemy last Year. We are trusted by the People, and are not to make Profusion of their Treasure. When we had War with *France* and *Holland*, we had not 30, nor 25,000 men: Must all the Fleet be Seamen? You will not put your Landmen, I hope, only to mount the Guards. 'Tis fit they should go upon the Fleet. I move, That the Committee may examine these Particulars. We have been used to these things, and must not lump these things, but examine them. We have Flag-Ships more than the Establishment—When we know more of these things, we may do all that is needful, but nothing that is unnecessary.

*Sir Christopher Musgrave.]* You have a great matter before you, and it deserves great consideration; and yet it is endeavoured to have little time for so great a work. You are desired to read over the Particulars, Head by Head, and grant it. Has the Estimate the several Rates\* of Ships? Without that, we can make

\* Neither the Rates, nor Numbers, of the Ships, were mentioned in the Estimate.

no Computation of men. Every body is for having a Fleet, but is it sufficient that the Admiralty do give you in 30,000 men, for you to give Money upon it? —I find intelligence better at the latter end of the Year than the middle: I would know how the *French* Ships came out of *Dunkirk*? In the Estimate of 4*l.* 5*s.* a head [*per Month*] that will require great time how to be made out. When that is given in, I suppose the Ships will be in the condition they were in, except in Powder and Shot; and of that, I suppose, not much spent; and that must make that out still of the 4*l.* 5*s.* *per head*. It was told us, “The Vote of 30 Ships would give great Credit;” but is the Naval Force to be kept all the Year round? We were told they were to be laid up, and now we must pay them as if abroad— And it ought not to be said, “That, if we do not give speedily, we obstruct the King’s Busines.”

Sir *John Lowther.*] I do not remember that I said those things I am charged with, of “obstructing the King’s Busines, &c.” I am far from imposing. I desire to have your Justice in this.

Sir *Christopher Musgrave.*] *Lowther* said, “If we delay, and if the Supply be not immediately considered, the Barriers of *Flanders* may be lost.” But if Consideration will produce such fatal effects, then you may vote it immediately.

Sir *Thomas Clarges.*] I think it is for the King’s Service, and not delay, to examine things. All the Equipage for *Ireland*, Men, and what belongs to the Army, may be done for 450,000*l.* At first sight, it seems to me 3*l.* a man will do. We were not out last Year till the 20th of *June*, and if not sooner out next Year, we are miserable.—In *April*, we were told they were all ready—I hope we may advise, whether they are too many, or too few. I know not any thing of “Barriers;” but pray let us be strong at Sea; but not hand over head to do things.

† To this, Admiral *Russel* answered, “That the Dutch refused to go to the Blockade of *Dunkirk*, till their compliment came up.”

Col. *Austen.*] As for the *French* Ships going out of *Dunkirk*, a man that has not heard of it, lives very privately. Upon enquiry, you will find they came out on the *Dutch* \* side, and not on ours.

Sir *Charles Sedley.*] If one Member sits in the House in his Buff-Coat, and another in his Shirt, one will be sweltered, whilst the other's teeth chatter in his head.

[A Committee was appointed to inspect the Estimate of the Navy for the Year 1692, and to report their Opinion.]

*Tuesday, November 10.*

[Admiral *Ruffel* presented to the House his Instructions, a List of his Fleet, several Letters and Orders, and an Account of the said Fleet's Proceedings : All which were read.]

Sir *John Thompson.*] *Hamilton*, who betrayed you in *Ireland* †, I hear, is at liberty ; and *Shales* ‡, whom you charged, is now gagged with an Office, and cannot speak. What need you go farther for instances, you have so many before you ? We see all our Miscarriages ; we know where they are ; but the greatest of all is multiplying of Offices, sliced out into fifteen or sixteen, when usually the Admiralty, and Treasury, were in three or four Noblemen : 'Tis fit the wisest and bravest should be employed ; but I see great art to manage a Miscarriage, when one man has so many Offices hanging at his girdle, to dispose of himself. The Impeachment of the Duke of *Buckingham*, by Sir *John Elliot*, was, "That, by Art and Practice, he had got into his whole Government a Party in the Army, and another in the Council ; and so controuled every thing." Once, first or last, *England* will set itself loose. I have seen something lately, and you

\* See the last Note,

† Lieut. General *Hamilton*, being sent over by the King to treat with the Earl of *Tyrconnel*, (soon after the Revolution) betrayed his

trust, by going over to the Earl, and was thereby the chief occasion of the War in *Ireland*. See Vol. IX. p. 95, 6.

‡ See Vol. IX. p. 454, &c.

have

have more reason now to examine the State of the Nation, and [order] the Admiralty to bring in their Papers.

[The Commissioners of the Admiralty were ordered to lay before the House Admiral *Ruffel's* Orders, and a List of the Ships lost or damaged since the year 1688: Which were delivered in on the 14th.

*November 11, 12, 13, 14,\* Omitted.*

*Monday, November 16.*

The House being acquainted, That Mr *Bridges*, a Member of the House, could give an account of an Information given him by a Captain of their Majesties Fleet, "That Sir *Ralph Delaval* (Vice-Admiral of the Red) had lately taken a *French* Boat going for *Ireland*, with Papers of dangerous consequence to the Government, Mr *Bridges* was ordered to name the Person who gave him such Information; whereupon he named the Earl of *Danby* †, a Member of the House of Peers. And the House being acquainted, That Lord *Danby* could give Information of the said Papers, the Question for appointing a Committee to repair to him, &c. passed in the Negative, 186 to 66; and a Conference was desired with the Lords, on an Information made to this House of matters relating to the Safety of the Kingdom.

Sir *Ralph Delaval* was ordered to attend the next day, and to bring all the Papers with him; but the Serjeant, who had enquired after him, acquainted the House, "That he was not not yet come to Town." (*Journal of the Day.*)

*November 17, Omitted.]*

*Wednesday, November 18.*

An ingrossed Bill for regulating of Tryals, in Cases of Treason, was read the third time.

Sir *Charles Sedley*.] Good Kings, good Lawyers, and good Judges, are perishable commodities. If the Duke of *Somerset*, at his Tryal, had had Counsel, he had not omitted demanding the Benefit of Clergy. An impotent, lame, or aged Man, by Law, had his Cham-

\* 30,000 Seamen, at 4*l.* per month, were this day voted by the Committee, and agreed to by the House.

ques of *Carmarthen's* son) had been called up, by Writ, to the House of Lords, March 19, 1689, by the title of Lord *Kiveton*.

† The Earl of *Danby* (the Mar-

pion,

pion. *Goodenough* was one that *Cornish* hated ; and it was not probable he would commit a secret to him. *Cornish* had Evidence for him, but not to be believed, because not upon Oath ; but I find Sheriffs and Juries are not provided for in the Bill.

Mr Finch.] If any thing in this Bill be for weakening the Government, I am against it ; but if not, I am for it. What is there in this, that makes it easier to commit Treason, or less tryable, than before ? All that is desired, is a just and lawful Defence at a Man's Tryal. But will you say, the Government is weakened, because a Man has an easier way of Defence ?—What are the Parts of the Bill that are new ? A Copy of the Indictment, and Witnesses for the Prisoner upon Oath, and Counsel, that's new, and no overt Act to be given in Evidence, but what is laid in the Indictment—Now, in all this, where is the mischief to the Government ? Shall it be said, that a Man may commit Treason safely, with a Copy of his Indictment, and Witnesses sworn to tell Truth ? There must be Proofs of the overt Act, and one is sufficient, and he prepares accordingly—As, a Consultation to destroy the King in such a Place, and a Man proves himself in another Place, and must recollect himself where he was, and have Witnesses to prove it : This has been so practised—This provides (that the Prisoner may be enabled to make his just Defence) that he shall know all the Facts charged against him. Suppose but one overt Act, that must be laid ; and it does not discover the King's Evidence ; where is then the Objection, that two overt Acts be laid ? This is far from giving Protection for Treason ; but gives opportunity to the Prisoner to make a fair Defence. If a Man be Witness to the Treason, he is so still, though Witness to the Confession. I would have no man start that Objection, “ That less than two Witnesses is sufficient.”—But there was a time when one Witness was allowed, by no less a man than Judge *Popham*, in Sir *Walter Raleigh's* case. You take not away his Confession :

fection: The words of the Bill are, "Unless he confesses in open Court, &c." All you do provide, is, that there shall be two Witnesses; but if he confess in open Court, and the Court record the same, that alters the Question—Standing mute is a Confession of the Fact, though the Prisoner forfeits not his Lands, nor attaints his Blood. But to throw this Bill out, Gentlemen must say, there is not one good thing in it. There is nothing made new in the Bill, that makes an impunity for Treason. That the Copy of the Indictment is to be delivered to the Prisoner, in ten days, if he requires it; it is good in *Middlesex*, if he requires it, but not in *Country Assizes*, which cannot stay so long. If a man be to be tried for Treason, and the Safety of the Government be concerned, there may be a special Commission of *Oyer and Terminer*; but it is said, "That is to bring a farther Charge upon the Government;" but is there any comparison, that a Man must lose his Life for a few days stay? But a Commission of *Oyer and Terminer* solves all Objections of the Safety of the Government. The limitation of the time, for three years, cannot enervate the Government; 'tis hardly possible to imagine, but that, in three years, the Crime may be detected and prosecuted, or the person repent and be pardoned. Where then is the Safety of the Government concerned? 'Tis impossible he should not be detected in that time, or the thing repented of, and no ill effect of it. This may take away the venom that some persons may fall under after twenty years, and rake up a Charge against a person.

Mr Attorney *Treby.*] Whatsoever is useful to the Subject, and does not bring Insecurity to the Government, I am for. The Lives of Men are precious, but the Lives of the King and Queen are as precious, in which all our Lives are bound up; and it deserves the highest consideration. This Bill was ushered in by reason of the hardship in the late times, in Tryals for Treason; but I see little in the Bill to obviate those

Mis.

Miscarriages. The fault was not in the Law, but in the Men. When Judges determine the Law, in one case, one way, and in another case, another way, the Judges convict themselves. In *Fitzbarris's Case*, they were of Opinion, "That he ought to be tried by Free-holders." In *Col. Sidney's Case*, all the Judges of *England* resolved, "That the Law was not so." If so, the greatest preservation of the People is to preserve us out of the hands of such Judges, which I hope the Bill of Rights does sufficiently provide for. The best way is to preserve their present Majesties, who, I hope, will never permit such Men to come into Places of Judicature. In the Preamble of the Bill, it is, "That the Prosecution of Treason may be justly tried;" it seems to me improper. In Treason, the Blood of the Heir is not corrupted; but he cannot derive from that Ancestor-- This Bill extends to Clipping and Coining, and all the lesser parts of Treason. The Copy of the Indictment can be of no other use than to inform the Prisoner of the matter. 'Tis to enable him himself, but not to help the person by the slip of a Word, or a Letter, to evade Tryal. As for being allowed Counsel, in every Treason, it would make Tryals long; and all Mens Cases are alike, when dressed up by Art of Counsel. To the Objection of Evidence, two Witnesses, or Confession of the Party, &c. perhaps he may have confessed the Treason before a hundred people. If this be the Evidence, you take from the Crown; he may brag of the Treason before a thousand People, and go unpunished. Here in *London*, when the Term comes at *Essoign Day*, the Sessions cease, and the Prisoner cannot be tried, unless by a new Commission; and Counsel must attend the Tryal of the meanest Clipper or Coiner. All criminal Justice is best done *flagrante criminis*. If a Man clip or coin, what will his Repentance signify, in three years, when all the Money is spoiled? This Bill does so much weaken the hands of the Government, that it ought not to pass. If you resolve that the Bill shall be rejected, no part of it can be

be brought in again this Session. I would preserve any part of the Bill that is useful, but not pass it as it is.

[The Bill passed.

1,575,890*l.* was granted for the Charge of the Navy, (including the Ordnance) for the Year 1692.]

*Thursday, November 19.*

The Chancellor of the Exchequer reported the result of the Conference with the Lords, upon the Letters taken at Sea by Sir *Ralph Delaval*, *viz.* "That Lord *Danby*, having been examined by the Lords, said, "That there was a Letter," but that Sir *Ralph Delaval* says, "He sent all the Letters :" That is the difference betwixt them. Lord *Danby* says, in his Examination, "There was no such thing as Copies of Instructions, but two Letters only, *viz.* one from General *Ginckell*, and the other from the Earl of *Nottingham* to Sir *Ralph Delaval*."

Sir *Ralph Delaval* says, "He did not apprehend the Letters to be of any moment, nor any thing in them for a ground to make a Report of them."

Debate.

Sir *Robert Rich*.] Lord *Danby*, upon Oath, says, "Here is a Letter ;" and *Delaval* says, "Not." He tells *Danby*, "They are Papers of Consequence ;" and he tells Lord *Nottingham*, "They are not of Moment, and therefore he sent them not to Lord *Nottingham*."

Mr *Montagu*.] The Letter from *Ginckell* is an attested Copy, which was sent. *Delaval* says, in his Letter to Lord *Nottingham*, "He understands not French, and therefore is no judge whether it be of Consequence ;" therefore I hope you will examine this matter farther.

The Papers, &c. were referred to a Committee.

[The Earl of *Ranelagh*, by his Majesty's Order, laid before the House a distribution of the Land-Forces, mentioned in the Estimate, *viz.* 10,916 men in *England*, 12,960 in *Ireland*, 2,038 in *Scotland*, and 960 in the *West Indies*. Total 26,874. Remain to be transported beyond seas 38,050.]

In a Grand Committee. On the Supply.

Mr *Foley*.] Consider what our State is, besides Land-Tax, and Excise, &c. If you find yourself at a loss for

for Money, and must anticipate, you must double your Land-Tax, and at last pay half your Revenue. I see not why we should raise so many Men, and maintain them. You are told, "That it is to make an end of the War at once."—But suppose the *French* beat us; and what hopes have we, if the Fleet be in no better hands?—I am of Opinion, that a lesser number of Men may serve for a Diversion. I fear things are not rightly represented to the King. Suppose we land, and take a *French* Port, and then you engage for ever after to keep footing in *France*. In the Rolls we find, that, when Money was asked by *Edward III*, to maintain what he had conquered in *France*, the Parliament answered, "They were concerned only to keep *England*, and not what was conquered in *France*."

Sir *John Guise.*] *Foley* said, "He could not consent to the number of Men proposed;" but he tells you not why. I suppose we are to defend ourselves by Sea. You have two thirds of the Fleet, and the *Dutch* one third. If the Mouths of their Rivers be taken away, their strength is taken away; and how can they supply you? If you did so distress the *French* last year, much more now, as you can draw your Men out of *Ireland*. Have you brought *France* to this pitch, and will you leave it? When I voted a War against *France*, I was in earnest, and I have not abated since this War. I see not that any body wears less, spends less, or does less, than before. 'Tis not only honourable, but safe, for you to continue your number of Men.

Sir *John Thompson.*] I know not for others, what they have done; but I have found decay in my little Income; and we have every where Complaints. If we consider what Merchants have lost, and Money carried abroad, and that foreign Merchants carry out your freight, I think 'tis a sign we are poor. I would have this so carried on, as to have something to give when we come again. I may make a Conclusion, though not able to make Premises, in the War. If we cannot

force

force *France* to a Battle, you will do as little next year, as you have done in this. In the several Heads given you in, there are 12,000 men for *Ireland*, and yet you have been told, "That it would support itself," and 10,000 men for *England*, and we had not near so many when the *French* invaded us. Really I am afraid of a standing Army. We have the Skeleton, though not the Body, of the Forces. I look upon this War with *France* to be merely a Colour. Pray put the thing Head by Head.

Sir *Christopher Musgrave.*] You have several Heads before you, and proper, as has been moved. It is an irregular Motion, "To put it Head by Head." If you vote, "That 65,000 men are to be the number," then you bring *Scotland* and *Ireland* on your head. Pray therefore put the first general Question "for *England*."

Sir *Thomas Clarges.*] You have been told of the Confederacy, "That you might lay hold of this opportunity to keep them :" I was, and am, of opinion, that our coming into the Alliance is a greater strength to the Confederates, than any force by Land, and far more able to distress *France*, and that the most natural way is to continue the War, where he grows so great, by Sea; if we would make ourselves masters of *America*, and recover what we have lost there—As we are an Island, we are to consider, that, if the *French* have all the seventeen Provinces, and we are superior at Sea, we may still be safe, and for what belongs to us. But in the aid required of us, though *Ireland* is reduced, yet there is but an abatement of 4000 men. To prosecute the War *totis viribus* must be understood. When in Parliament, former Taxes were the sparable part of our Estates, if we are unsuccessful in this War, what will become of us? I desire that we may manage this War with as much frugality as we can. I am sure that 16,000 men did recover *Ireland* formerly.

Sir *Robert Howard.*] First we are told, "We are not able." If so, then there is an end; but as to that, I hope we are able. Next we are told of "an Army to

enslave us;" but no danger of that under a King that has courage. In the former reign, there were great preparations against *France*, and nothing done. I hope to see an *English* Army act by itself, and the King at the head of it—If your Navy be strong, and in conjunction with the *Dutch*, you will provoke the *French* to come out with their Fleet, and you may land where you please. The King is clear in all points with you; there is no mistrust in him; and therefore I would leave it to the King's Judgment, for the number for beyond sea; and you may, I hope, from hence send all the Provisions.

Sir *Thomas Clarges*.] That the King is a valiant and wise Prince, all agree; but he acts by Advice; and so it is sent to us; but if we do not come up to the desires of such men, then we are told, "We are against the King, and hinder his business." I hope we shall hear no more of that; we are all here to advise what is to be done; but this great sum demanded for those men is half the current Cash of the Nation, and if we maintain an Army of 40,000 men abroad, I fear we shall have none left for common defence another year. It is given us by the King's Ministers under several Heads, and pray go so upon them.

Mr *Hampden*.] I have heard reflections formerly, but if a Gentleman speaks in commendation of his Prince, 'tis no reproach upon a man, who, in his Speech, says nothing of it; but I do think a standing Army is dangerous—But when 'tis said, "The Matter of the War with *France* is but a Colour+"—Do you think *France* will use you well that you may put yourselves into his hands? I know, that in my Country the middle sort are willing to carry on the War; but if I hear or see nothing against this number of men, if you have hopes that the Lion is not so fierce as he is painted, I hope you will agree to the number.

Sir *John Thompson*.] As for the Descent upon *France*, I have heard of orders for 16,000 Horse and Foot to march through the heart of *England*—"A Colour" is the

+ See p. 177.

appea-

appearance of an Argument, with really no force in it; a figure: No man is to be offended at the commendation of the King, but when an Argument has not force in itself to force its way, that calls me up.

Mr Attorney *Treby.*] This Discourse is of so great a nature that all Gentlemen engage in it. It propounds to dissect the Articles, and take them Head by Head. I am against it. When you had the List of the Fleet, you did it by the Lump, and I think there is the same reason now. I take all to be one Army—38,000 beyond sea, and so the less need here—No part of your freedom ought to be taken away. Freedom of Debate here is as tender as the Apple of the Eye, and as general all over *England*. You come here with “local Wisdom,” as Lord *Bacon* calls it. I speak a positive truth, when I say, the King is a great Captain. But to clear some Objections to the King’s Speech—If the Confederacy break, the *Germans* disband, and the *Dutch* make Peace, and truckle under *France*, then you cannot possibly be defended with a standing Army, and standing Fleet too. The naval force, all the world over, is in the *French* hands, and yours, and how far may the *Dutch*, in conjunction with the *French*, (and we alone,) undermine us? The War was your Advice for Trade, and you resolve to go through with the War, to secure your Trade, that it may be no longer in his power to disturb *England*; and that is the end you would be at. The Question is then, Whether you can do this without such a force as this? I would answer one Objection, *viz.* “Not to give such a Supply as to conquer *France*.” I know not how we shall conquer *Paris*, but I would not have *France* conquer us. If we cannot carry this on, we have nothing left but Prayers and Tears; but I hope we shall not come to that. Can we think that *France* will use us better than his Protestant Subjects? Consider what we have promised the King: I hope we shall make it good. We have not, for a long time, had such a warlike Prince as this. All this points to us what the King has said, “If this opportunity be lost,

lost, we shall never have the same again." I would not go through it by halves, but have such a force as the King may confide in. By doing it at one stroke, I hope we shall be secured from all this. 'Twas said by a Gentleman, "That the *French* King knows what we do." I believe it; I wish he did not know what we say. I do not doubt of what force the King has proposed.

*Sir Christ. Musgrave.*] The proper Question is, Whether to proceed Head by Head? Then consider, when you have voted 65,000 men, you engage to make that number good. If so, we must have the charge of all *Ireland*, and all *Scotland*. If so, to what purpose will you vote them, if you are not interested to maintain them? You are told, "That if you vote them not, the Allies will go off;" but last year they went in with their *Quota*. 'Twas never advised to keep our *Quota*, and go into *France* with a separate Army. Possibly we may agree one Head, and not come up to the other. A general Question takes away all liberty of Debate. The Fleet to make a Descent into *France*, is quite a different Head from the Army.

*Sir Thomas Clarges.*] By the Motion of a general Question, our liberty to advise is taken away. You are told (by *Capel*) "That Queen *Elizabeth* was not limited;" there was not a number of men named, but the Parliament gave two subsidies, and four fifteenths, and left it to her Judgment, and when no extraordinary use was made of it, it returned to the subject again—They that give a Negative, are not against an Army, but what numbers they shall be limited to: Proposing men differs little from money—'Twill look like a Parliament of *Paris*; the King to propose, and they to verify it—Nothing of *Scotland* and *Ireland* is proposed—Let us not have sums and money, but Heads, proposed to us.

[*Resolved*, That it is the Opinion of this Committee, That an Army of 64,924 men is necessary for the service of the year 1692, in order to the securing the Peace of the Kingdom, and the carrying on a vigorous War against *France*: Which, being reported, was agreed to by the House.]

Nov. 20 and 21, Omitted.]

Monday,

*Monday, November 23.*

Sir *Ralph Delaval* attended according to Order, and was called in.

The Speaker.] The House has been informed, that some Papers of Consequence were taken at Sea; they would know what those Papers were, and how they were disposed of?

Sir *Ralph Delaval*.] The Papers that were found, which I sent to Lord *Nottingham*, were sent to me in a Parchment-Cafe. They seemed to import little more than the Treaty at *Limerick* between the *English* and *French* Generals. The Parchment was not sealed. I received them from Captain *Gillam*, when the weather was bad; he told me they were taken in the *French* Packet-Boat. I was at Prayers with the Ship's Company, when I received those Papers. A day after I called all the Captains, and acquainted Lord *Danby* with them, who came on board, and showed him the Letters, he understanding *French*, which I did not. Lord *Nottingham*'s name was never in those Letters. When I came to *Spithead*, I gave the Lords of the Admiralty some hints of the Papers; had I thought them of Importance, I would have sent them. I sent Captain *Ward* for the Papers in Parchment, and put his Seal on them. The Papers were loose in the Parchment, without cover: I kept them loose in the Parchment as they came to me. I never sealed them till I sent them to Lord *Nottingham*. I sent all the Papers I received from the Captain to Lord *Nottingham*, all together in that Parchment sealed. There were two Seals upon upon the Parchment-Cover, my own Seal with my Crest, and the Captain's.

*The Compiler did not perfectly hear him.*

Mr *Charles Montagu*.] Now you have heard *Delaval*'s story, there seem to me two contradictions to what *Danby* has said. He says, "The Captain understood *French*, and did interpret them." *Delaval* says, "He desired *Danby* to interpret them." He says, "Danby read three Letters from General *Ginckell*." This, I think, is contradictory to *Danby*.

Sir *Christopher Musgrave*.] I would know whether *Delaval* examined the Captain of the Packet-Boat, and where he received those Letters taken upon him?

Sir *John Lowther.*] *Delaval* says, “He understood not *French* :” I would know, whether *Delaval* marked the Letters one by one, so as to know none were missing?

The Speaker.] Did you, Sir *Ralph*, examine the *French* Captain about the Papers?

Sir *Ralph Delaval.*] I do not understand *French*, and so could not examine the Captain. When the Captain came on board, there was *Danby* with me, and two Papers were laid upon the Table, and *Danby* read them; and he asked the Captain, or Master, of the Boat, “Whether he had any other Packet.” He said, “He had no others?” He said, “He came from *Brest*, and was going to find out Monsieur *De Chateau-renaut*, whose station was *W. S. W.* and he apprehended us to be him.” Captain *Martin* looked over the Letters, and told me, “That the meaning was a Treaty betwixt the Governor of *Limerick*, and General *Ginckell*, and that Transport-Ships should carry away the *French*, without Interruption from the *English*.” I know not whether Captain *Gillam* opened them; they were loose; I did not ask him, whether he received the Papers loose, though a proper Question. I believe *Danby* read the greatest part of them. There was no such Paper as a Copy of Instructions from Lord *Nottingham*. I did not number the Papers, nor did observe that they were numbered, when they went from my hands. I took the Papers into my Closet, and nobody came into it, but my Servant, or myself. *Danby* did read the Papers to the other Officers, but not directly to me; he read the *French*, and then told us the import in *English*; which was, the Treaty between the *French* General, and General *Ginckell*, of transportation of the men. I neither heard, nor saw, any Letter of Lord *Nottingham*’s; he told me no such thing. The Captain said, “The *French* were at Sea, twenty odd Sail of War, fifteen Leagues *W. S. W.* from *Scilly*, with Store-Ships.” The Instructions I received, were to sail *S. W.* sixteen Leagues, and to send to *Kinsale*, the first Wind, for those Ships to join me in my station, and then to proceed to *England*. I had no Instructions to follow the *French* Fleet, and fight them. I received no Letter, nor Instructions, from Lord *Nottingham*, since I went last to Sea. The Master of the Vessel said, “He came from *Ireland*, and was not suffered to stay there forty eight hours, but was commanded away again.” There was not one Paper in *English*. I had no Intelligence, the Weather was so bad, but by this Packet-Boat. I had positive Orders to lie *S. W.* at Sea, to expect the Merchants. I had Orders to send one Ship to *Ireland*, and no Orders to send any more. The *French* Master told me, “He did believe our Squadron was *Chateau-renaut*’s Squadron?” He withdrew.

Sir *Thomas Glarges.*] I observe, we are unfortunate in Sea

Sea-Managers. If we meet the *French* Ships, we must not fight them, and one Ship must serve to convoy the Merchants, while the *French* are out at Sea with twenty Ships. How can one Ship be proper to convoy a hundred Merchant-men? By this means, it is impossible to do good in a Naval War. I should be glad, if the Commissioners of the Admiralty would explain this to us, now we are going to give great sums of money, to have it well managed. I am so weak as to imagine, that all failing Orders of this King are to pursue the Enemy, as there is occasion.

Lord *Falkland*\*.] Such Orders seldom are thought necessary, because general Instructions are given. *Delaval* thought those Papers of so indifferent a nature, that he sent the Originals to Lord *Nottingham*, and not the Copies.

Sir *Thomas Clarges*.] There is some contradiction in those Orders. The first to Admiral *Russel* was a discreet and well-directed Order, to bring home the Merchants; and the other from the Admiralty is to come home again.

Col. *Granville*.] There is a positive contradiction from the Admiralty and *Russel's* Orders. A Squadron ordered for the Merchants, and they order one Ship! I know not whether the Lords of the Admiralty take that for a Squadron, or no.

Mr *Howe*.] For ought I can see, all is well, therefore I move that we may adjourn †.

[The Letter from Lord *Nottingham*, for sending up the Papers, was referred to the Committee.]

November 24, Omitted.

Wednesday, November 25.

[In a Grand Committee. On the Supply.] Estimate of the Charge of the Army.

\* One of the Commissioners of the Admiralty.

† Upon a full examination of the whole Affairs it appeared that there was not a Copy of any Letter from the Earl of *Nottingham* to Sir *Ralph*

*Delaval* in the Packet taken on board the *French* Boat, but only the Letter written by his Lordship to Sir *Ralph* to send up the Papers intercepted by him.

*Sir Thomas Clarges.]* I find all Establishments, since the Change, are a third part more than formerly. This Estimate of 65,000 men is sufficient for 200,000 men. This War, I am afraid, will not be done in a year; therefore I would do it so as our Estates may bear.

*Mr Hampden.]* This is most proper, when you come to particular parts of the Army. You may address the King to apply as much as may be of the Civil List to maintain the Army.

*Sir Thomas Clarges.]* I know not the consequence of such an Address to the King in matter of money. I propose that the Question may be, "That Officers and Soldiers may be included in this List."

*Sir John Lowther.]* The General-Officers advised a greater number than the King has proposed, which are so many men, besides Officers.

*Sir Thomas Clarges.]* If 16,000 men in *Ireland* be commanded by Protestants, they will make 35,000. They are now warlike, and at the Battle of *Agbrim* they were not above 18,000 men. A Gentleman that knows well, a Commissioner of the Revenue in *Ireland*, said, "That 6,000 men were sufficient to be sent into *Ireland*." I would not have 36,000 men named, and not above 20,000 paid. I hope we shall have effective men, and no collusion nor deceit. Till the Militia were armed, there was no considerable service done in *Ireland*.

*Sir John Lowther.]* I hope the number of men will not always be necessary, only for the present, since the expence, I hope, will be but for one year. I hope this exception, by a fide-wind, will not cut off your intention.

*Sir John Thompson.]* I wonder what *Lowther* means by "A fide-wind;" if there be any, it is the supernumerary Forces. We voted but 65,000 men; if the Officers came to more, 'twas not in the Vote; and I appeal to the House, if they did not mean Officers? It could never be thought that you meant by your Vote an Army of men without Officers.

Sir

*Sir John Lowther.*] If that Vote did include Officers, you are in the right. For ought I know, this cuts off several thousands of men;—and Officers not being included, your Vote stands.

*Sir Thomas Clarges.*] You have resolved upon 64,500 men. We went not Head by Head on the Estimate, but lumped it, and I thought not fit to ravel into that. Whatever was intended by any private person, who brought the Paper of the Numbers, &c. 'twas the Resolution of the House such an Army; and I am a little scandalized at this: I know not by what figure in Rhetoric, “Men” is without “Officers.” You may raise the Mob for an Army, at that rate. The reason why I put in Officers now, is, because the House was deceived, for we find in the Accounts only for private men. By your Vote you may determine this matter.

*Sir Henry Goodruck.*] When King *Charles II* declared War against *France*, in 1677, there were 1000 men in each Regiment, not including Officers. You have Precedents for this Demand; if there be any Precedents of Officers included, I am the most mistaken in the World.

*Sir Thomas Clarges.*] He says, “That in the year 1677, *Charles II*’s Officers were not included in the number;” but then we had plain dealing, and the House went Head by Head; there were a hundred in a Company, besides Officers; but now you come to lump—Then we had our Debate free: Now you come to vote what your Army consisted of, and what meant by the word “Army.” You had 38 or 39,000 men paid in *Ireland*, and had not 20,000 at *Agbrim* Battle. My Question is a plain Question, “That the Numbers shall not be inclusive to Officers.” If we shall have more men than Officers for them, I hope they will be reduced too.

*Earl of Ranelagh.*] I stand up to inform you, that in every Company of Foot there will be eleven Officers, not included in the number of men set down. They will come to 11,000, in all, not included.

*Sir Thomas Clarges.*] This Lord tells you of what Numbers are given in; perhaps you will say, the same Officers

Officers that now command fifty, may command a hundred. When you include Officers, then you will provide Numbers and Men, and till you determine Numbers of Money, you cannot determine Numbers of Officers. Must it be taken for granted, that the House has no Judgment in this matter? You did formerly resolve Numbers in Regiments, and till then you cannot tell Numbers of Officers. When you are come off from this of *Ireland*, the rest will follow.

*Sir John Lowther.]* If you cut off 11,000 from your Vote, for ought I know, the King may come with such an unequal force, that he may be either beaten, or come off with a dishonourable Peace.

*Col. Titus.]* I was much startled when I heard of an abatement of 11,000 men. I never knew but three Officers in a Company. Drummers and Pipers may be Officers as well as others. If Officers be no part of an Army, then some Gentlemen are in the right.

*Sir John Lowther.]* If 11,000 men will be deducted, I am not for that Question. If Officers, Drummers, and Serjeants, be deducted, I agree that three Officers may be deducted.

*Sir Robert Rich.]* I shall always stick to the true Interest of the Nation. To have a division for 2,000, I think not for the Interest of the King nor the Nation.

*Sir Christopher Musgrave.]* I believe it not the intention of any man to lessen your Vote of 64,000 men; and I hope no intention to increase it. But to talk of an Army and not Officers, I believe the notion never entered into any man's head as tied to that Vote of 64,000 men; for 'tis not to lessen them.

[*Resolved*, That [it is the Opinion of this Committee, that the] 12,960 men for *Ireland* do consist of Officers and Soldiers [making up that Number: Which was agreed to by the House.]

[*November 26, Dr Jane, Dean of Gloucester, preached before the House.]*

*Friday,*

Friday, November 27.

On a Message from his Majesty, &c. \*

Sir *Edward Seymour.*] I look upon it, that a Message brought us thus by the King's Authority, destroys the Freedom of Debate. I always thought you have already given too much or too little, but since the number is included by the House, I would have them effectual. If there be no Descent into *France*, a lesser number may serve turn; if they do make a Descent, then it is too little; therefore I would not make a reducement of Officers.

Sir *Christopher Musgrave.*] You are well minded of the consequence of being told, "That this is the King's mind." I hope we shall hear no more of that. I cannot imagine how, not comprizing Officers for *England*, and *Ireland*, can have any effect on the Descent into *France*. I know not how we can reconcile the Vote. You meant it for *England*, *Scotland*, and *Ireland*; and I would know the reason why not for *Scotland*, as well as *Ireland*. Now you will say you voted it for one, and not for the rest. I hope it will not have that consequence.

Mr *Hampden.*] In my conscience I believe, that, when that Vote passed first, Gentlemen did believe Officers not included. If I hear People talk, I lay no weight upon that, but if I hear a Soldier, I must. I have known leave given to speak against a Vote. I think any Gentleman may alter his Opinion.

Sir *John Thompson.*] I declare I am against the Question, and for the reason made use of for it, *viz.* "The King's advice, and if not taken, you will frustrate the whole design." I believe never was Parliament more disposed to comply with a King—But, I fear, the poverty of the Nation cannot come up to the greatness and firmness of our King's Spirit; we are not able to come up to it. 'Tis said, "This will come to a small Sum;" but a hair will break a Horse's back when he has his full load—These excluded by your Question are 7,000 men, and 'tis an easy matter to take that out of the whole number. What have we to do with *Scotland*? Let it defend itself. What need is there of so many for *Ireland*? It can de-

\* There is no mention of this in the Journal.

fend itself. Pray put the Question whilst it is day-light, that we may see one anothers faces.

[*November 28, Omitted \*.*]

*Monday, November 30.*

On the Lords Amendments to the Bill for abrogating the Oath of Supremacy in *Ireland*, and appointing other Oaths †.

Mr *Hampden.*] This Act does not extend to Persons who have submitted to the King's Government, of any profession or calling. Any man that is a Barrister, if he takes the Oath of Fidelity, without the other Oaths—such as are actually Barristers †—I cannot see how this can be any security to the Government, who are made Statesmen as well as Barristers. Many would rather take the Oath of Supremacy, than Allegiance. What will you do then? The Oath of Allegiance they will not take, because of their Conscience and Religion. If we say, "No power can absolve us from the Oath," they will say, "We are not resolved till our spiritual Fathers say so, which I keep to myself." How will all the practising Lawyers come upon you in heaps! And think you not, upon forfeitures of Estates, 'tis no little matter to have all the practising Lawyers for them? Why should not the Lawyers of your own Religion be encouraged? 'Tis said, "We ought to have great obligations to public stipulations." If the public faith be regularly given, unless there may be something morally evil, you ought to pres' it. But we talk of what we know not; pray let me see these stipulations, and let the Lords tell you what grounds they go upon. I think it had been regular for the Lords to have delivered this at a Confe-

\* It was this day *Resolved*, That the Land Forces for *England*, *Scotland*, and the *West Indies*, and those to be transported beyond the Seas, do consist of private Soldiers, not including Officers, making up that number.

† When this Bill was sent up to the Lords, the Earl of *Nottingham* alleged, "That it was in some

parts contrary to the Articles of Capitulation of *Limerick*" [agreed upon between General *Ginckell* and the *Irish*;] upon which they made Amendments, particularly, That the Lawyers of *Limerick* should not be comprehended in the Bill.

*Pulteney's M S Letters to Colt,*  
*November 17, 1691.*

† *Sic Orig.*

rence,

rence, and I hope you will deliver your Reasons not to agree with the Lords at a Conference.

*Sir Thomas Clarges.*] There is a great chain of mistakes in *Hampden's* discourse. This Bill is to procure a Parliament in *Ireland*, and he tells you of “the Oath of Allegiance,” which was never in force in *Ireland*. The Barristers are not obliged to take the Oath of Allegiance in *Ireland*.

*The Speaker interposed.*] No man in *Ireland* is exempted from taking the Oath of Allegiance in *Ireland*, but by a Letter from the King.

*Sir Thomas Clarges.*] I know not what Letters may do, but those who are Barristers in *Ireland*, cannot be so in *England*.—This Act is for a Protestant Parliament in *Ireland*; and, I am afraid, if you allow not these Barristers, we shall lose the Bill. Those Lawyers penned those Articles of *Limerick* \*; there was not a Protestant that could do it. But here it is (I care not for looking into these Articles) but these persons being only to practise—I have a chance to find these persons out in the Court of Claims, and I believe no Protestant in *Ireland* will give them a Fee. I would agree, not to destroy the Bill, which is so much for the Protestant Interest.

*Mr Boscawen.*] We that have Estates in *Ireland* are apprehensive, that that Clause will spoil all the Bill. Juries will be most *Irish*, and you cannot believe, but that *Irish* Lawyers will be retained. Would you have these People live again to give a third Rebellion in *Ireland*?

*The Speaker.*] The Lawyers in *Ireland* have been, and will be, admitted to practise, by the King's Letter.

*Sir William Leman, Sollicitor-General of Ireland.*] This Bill is designed for a Protestant Parliament in *Ireland*; all the Popish Lords are outlawed, as their Fathers were. In the late King *James's* time they were not able to find Juries, which was the reason so many Lives were saved. By corrupt ways the Barristers got Letters to practise formerly, but I hope that will not be the practice for

\* See the preceding Note.

the future, and that you will not admit Barristers without taking the Oaths: And now that the Articles are mentioned, I say that the Clause from the Lords does exceed that Article, for they are expressly excluded by the Articles. I think the Clerks of the Crown, and Six Clerks, are Officers; not only Barristers, but four hundred Attorneys will be, by that Clause, exempted.

Mr Howe.] This Clause is to enable all those who will take the Oaths of Allegiance, to practise in *Ireland*, and to be capable of Offices. I know not what the Articles of *Limerick* are, but I would not break public Faith, nor confirm those Articles by Parliament. Would you bring in Persecution for Religion there, after you have given Liberty here to your own Subjects? If they will be faithful to the Government, I care not what Religion they are of; but I am not for taking from these Gentlemen the opportunity of getting their Bread. If you will punish with Fire, and Faggot, and Sword, because they are not of your Opinion, I am against it.

Mr Sollicitor Somers.] I am much for the Bill, and much against violating any Articles whatsoever. If there be an Article hard, it is by their contrivance and draught. If they thought not fit to carry the Article so far, I would not do it. 'Tis fit for your Judgment to see how far this Amendment extends, and I believe the Lords would not be so unreasonable, but they will quit the Amendment, if it outgoes the Articles. To say "This extends only to the present men!" This is the critical time, and not futurity. It is true, practising Lawyers were admitted without taking the Oath, but they brought Certificates that they were public Practisers here; and a Certificate that they had taken all their Degrees here requisite. I am confident, that, when this comes to be re-considered by the Lords, they will come up to your Reasons.

[A Committee was ordered to prepare Reasons to be offered at a Conference for disagreeing ; which were reported and agreed to the next day. *See them in the Journal.*]

[December 1 and 2, Omitted.]

*Thursday, December 3.*

[On the Accounts and Observations delivered by the Commissioners of Accounts.]

*Sir Thomas Clarges.*] The Lords have ordered the Commissioners of Accounts to send them their Accounts under their Hands and Seals. I would know, whether they should go in person to the Lords, or are the Commissioners to send their Secretary with them?

*Mr Thomas Howard.*] I heard my name read in this Book of Accounts, for 50 and 100*l.* to Mr *King-mell* and myself: Both have had Pensions from King *Charles* paid all this while, and in King *James*'s time; and application has been made to this King, who made some objections to persons names; but it is in my name, and I do receive it. I am sorry it has gone so far. I owe all to the Protection of the Government, but nothing to the Bounty of it.

*Sir John Thompson.*] I stand amazed that, in the best times and Governments, things should be in such darkness. I hope not to live to that day to see the House of Commons one of the Grievances of the Nation. When we see Grievances, I hope, if this House cannot take them away, it will not establish them. I believe we are under the best of Kings, but never was so much goodness so abused. The Accounts are amazing things. We were told last Session, "Country-Gentlemen understood not Accounts," and now, it seems, the Commissioners of the Treasury do not. If they understand not Secret-Service, then they are not fit for their Places. 'Tis our misfortune, the person\* is dead that should give you Account. I would know, whether the Secretary, or the Lords, understand your Accounts? When they have directions from the King

—So

\* Mr *Jephson.*

—So much given to Members—I am sorry money goes so little for merit as in former Ages—Captains of Ships put in for money—Old Methods will bring in new Judgments. I am afraid some men have taken up old vices, which others have left. I would have this House begin with themselves. I do declare, I never had one penny from the King, nor ever will have.

Sir John Lowther.] As to that part of the discourse of the Gentleman that spoke last, I agree that I am not fit for my place in the Treasury. I shall be much easier out of it, and I hope I shall leave it. I remember an accident of that Gentleman, at an Accusation last Session for drinking King James's health (*was ready to faint away*)—'Tis strange now to make Reflections of being gagged by Offices. As for the Accounts, I dare be bold to say, some things are mistaken, and some of importance omitted, and nothing in them, but was transmitted last Session. You have an Account of eighteen Millions, to raise a dust to blind you. All the Aids amount not to eleven Millions, not much above ten. If you reckon the Lawyers, and the money come out of the Country, that is a double Reckoning; but to say eighteen Millions, when in reality, not eleven is not clear. Not having yet had the Copy of the Accounts, I cannot say much. As for King James's debt, upon the Revolution of the Government, the Receivers did very wisely to pay themselves. The next thing objected to is, in the Accounts of Tallies struck, before money came in. 'Twas for no more than 200,000*l.* borrowed of the City at a time, and that at the beginning of the year, when Sea and Land are at the greatest charges. People will not go on, if neither money nor credit. Some services pres more than others, as Navy-Stores, wear and tear. If you strike not Tallies of Credit before-hand, 'twill cost at the latter end of the year 2 or 300,000*l.* It had been worth the consideration of the Commissioners, to have consulted the several Offices of the Ordnance. I did hope this as well worthy of observation

as the rest. For Secret Service, in the beginning of the Reign, there was a great deal—Though remote from the Heads, you will find for the future much less, which now are put upon the proper distribution. As for Money to Members, you see all before you, and is there any thing like corrupting of Votes ? I believe, if all that Sum were tendered to some persons, they would not do so base a thing ; and if I would reflect upon the Government, I should say it is a great fault in allowing so little Money for Secret Service. *Cromwell* gave more at a time for Secret Service, in the Court of *France*, than all this comes to. For the Plate of Ambassadors to be returned, &c. there is now a Tryal depending with Lord *Castlemaine*, and all diligence possible used in it. As to Lord *Griffin*, in all Ages, and at all times, Accounts have passed by Privy-Seal : And for the good of the Subject it should be so. Shall Accounts be lost, and not have a discharge by Privy-Seal ? But if it be to the Prejudice of the Crown, or the Subject, then 'tis a failure. For *Ireland*, the Musters were taken in *Winter*, when the Army was at the weakest, and the irregular time of the Musters was to the disadvantage of the Army, not of the Nation. Thus things have occurred to me, as I heard the Observations read ; but there are some things that I wonder have escaped their observation, when Accounts have been sent three or four times back, and not perfected ; and this is one of the crying shames of the Government. The next thing is, how your Money is spent in the Oeconomy of the Navy ? The King took his own Dividend in the *East India Company* 7000*l.* to pay them, nay the very Crown Jewels, if I may say so. I should be glad any man abler than myself may be employed in the Treasury.

Sir *John Thompson.*] I confess I am not so fit for employment as that Gentleman ; but should have been faithful, as I believe of him. I am not so angry as he, but, I observe, touch a place that is sore, and there will be some extraordinary motion. I cannot turn my words like a Courtier. I wonder that Gentleman

should go so far back as the last Session, when the House was satisfied with me. I was forced by King James to give 200l. for my *Quetus* for my Patent of Barrister; so that I had no such intimacy with the Government then. I never did accept of Bribes for my Vote here, nor ever was offered any. I did then clear myself, and I could wish that Gentlemen would do so too.

Sir *Thomas Clarges.*] *Lowther* has frankly arraigned the Commissioners, and I did expect you would have called him to the Bar to have answered his Accusation. He tells you, "The Commissioners have omitted several material things;" but the Commissioners could not proceed farther, not having the particular Accounts of the Navy, Army, *Ireland*, or the Ordnance, before them. The Commissioners did think fit to allow all the extraordinary charges upon Revolutions. My Memory is not so good as to take all the Heads, as he has done; but what he says is an Accusation. We cannot be wiser than God has made us, nor, I believe, that Gentleman neither. Pray read the Observations.

Sir *Robert Rich.*] I thought, by *Lowther's* first Speech, he had been a good Accomptant, and he seems to be none at all, when he confesses he never read the Accounts. If the manner of the Account displeases him, we should have been infinitely obliged to him for his Company, if his weighty affairs would have permitted him. But one expression is strange; to arraign the Commissioners of casting a mist before the Eyes of the House;—'twas next to something else. He said it in that soft Language before; he durst not say otherwise here. (*Mr Hampden took him down to Order, but proceeded not.*)—I will not repeat the expression again, but nothing can be harder expressed. To the Observations, he said, "There might have been more Observations." I could have wished there had been occasion for none.

Sir *John Lowther.*] I know not that it is a reflection for an omission to be taken notice of. I have had my share

share as hardly on that as any man. If a man's honour must not be vindicated here, I must take occasion to do it in another place.

Sir *Christopher Musgrave.*] I would know why these Accounts were not brought to the Commissioners in due time? The last Session, Provisions for *Londonderry*, and Ships, lay here, ready laden, after it was relieved.

Sir *Thomas Clarges.*] We sent out above three hundred Precepts the last time; the last time given was a day in *June*, but we had none of those Accounts, though sent Article by Article. We did desire, that the Accomptants in *Ireland* should make Oath there, and answer the Objections: We could not have those Accounts brought us in any time.

Sir *Stephen Fox.*] I only desire to appeal to the Commissioners, whether I did not appear according to their Summons? They gave me liberty to state my Accounts in two months; but since, they could not take any more Accounts till they made their Report here.

Sir *Thomas Clarges.*] If they did not obey our Orders, we had no manner of Coërtion, as the Commissioners of *Brook-House*, who had power of committing to Prison upon Contempt. I tell you in general, once for all, we have punctually observed your Order in the Accounts of Incomes and Issues.

Sir *Christopher Musgrave.*] If Accomptants make not up their Accounts in three Years, what can the Commissioners do, when the Accounts of 1688 are not made up till 1689? I think it reasonable that, in a year and a half, they be brought to your Auditor, when now all is in the dark.

Sir *Thomas Clarges.*] When we called for the Account of the King's Household, we found some Accounts not made up in ten years; as the King's Chamber, &c. Of the Taxes, since *Charles II*, no Account has been made these thirty years. I know not if greater business, or more profitable, has diverted them. The

Exchequer is very exact in their method ; but, if neglected, I know not where the fault lies.

*Sir Benjamin Newland.]* We have set down, without altering one Letter, as Mr *Jephson* has delivered it to us. But for us to make Alterations, it was not fit ; but we have delivered it as we received it.

*Sir Christopher Musgrave.]* You say, but *7 per Cent.* shall be given for Interest, and they give *9 per Cent.* Your Funds will miscarry, when you so increase your Interest. As for the Land-Tax, it was a certain Fund, and needed not to increase Interest ; at this rate, your Interest will eat out all your Funds.

*Mr Waller.]* 'Tis plainly made out, that this is a breach of your Act of Parliament. I remember, an Oath was proposed to be given to the Lords of the Treasury ; they objected against that, because by it they should be obliged to pay the Bankers Debt. I hope we shall not pass this over without censure.

*Sir Thomas Littleton.]* I take it, that this Fund of Credit was to take up Money before it came in. The Occasions of the Government pressed them so far, that they could not take up half they wanted.

*Sir Stephen Fox.]* We have ever struck Tallies of Anticipation ; 'tis impossible, as this Government stands, to have done otherwise ; the necessity is unavoidable, and we had not done our Duties to the Nation if we had done otherwise.

*Sir Christopher Musgrave.]* Your present consideration is, Whether Tallies have not been struck before Money was actually lent. If I heard right, I think it was owned they had struck for Seamens Wages, before the Money was actually received. Our present Question is, Whether Tallies have not been struck before the Money was actually borrowed ? *Lowther* says, " You paid the *Dutch* for the Money they lent you ;" but must you pay the Interest, before the Money comes in ? Why paid we Interest to advance Money to them, when we might have had it at the Interest allowed ?

Mr

Mr *Hampden.*] The King did borrow Money, and paid Interest for it. The *Dutch* had not, nor desired Interest, till the time the Money came into the Exchequer.

Sir *Wm Strickland.*] I question not, but that the Commissioners of Accounts will tell you who paid not for their Patents for their Offices, and I hope you will make them refund. I have an Account of those who have had Patents, and have not paid for them.

Sir *Edward Seymour.*] The Commissioners of Accounts, whom you have trusted in this service, have reason to be exempted from paying for their Patents; but, as for other Officers, it is hard the King should pay for the Patent, and, as I hear, likewise to pay for their Charges in executing that Patent.

Sir *Robert Rich.*] By all the inspections I have made, I find no such Covenant made.

Sir *Robert Howard.*] The King not only pays for the Patent, but for the Taxes of the Profit of their Patent.

Sir *Thomas Clarges.*] I do not say, the Treasurer of the Navy is under the Qualification of this Head. He has 3,000*l.* a year Salary; but I think no Fees can be taken by any Officer whatever, but by Act of Parliament, or from time to time immemorial. I remember, Mr *Vaughan*, (when a Member here) did plainly and positively assert, "That no Officer could take Fees, but what have been used from time immemorial, or hung up in a Table, or settled by Act of Parliament." We find great Sums to Offices charged for Fees. We had Power for the best of our service, and we sent to the greatest Officers to know what Fees. They said, "They could not, upon Oath, say "Legal Fees," but what had been taken formerly by other Officers." A poor Captain, of 6*s.* 8*d.* a day, pays 6 or 7*l.* for his Commission. When you have the Persons, and subject-matter, before you, then you are ready for Resolution.

Mr *Foley*.] The Receiver-General of the Customs, in King *Charles's* and King *James's* times, had 1000*l.* *per ann.* Salary; the Comptroller of the Customs had 6 or 700*l.* *per ann.* By the new Impositions, this brought his Place even to Receivers of the Customs. For Mr *Kent's* Fees, he alleges *Lidcott* for his Precedent. Now he has 1300*l.* *per ann.* so much as to maintain a coach and six horses.

Sir *William Strickland*.] When we grow poor, I would not have others grow rich. I would not increase Salaries, that had sufficient before. I hope they shall be made to refund, and be reduced to be as before. I would have the Commissioners of Accounts lay before you this Head, before you vote.

Mr *Foley*.] As for the Officers Fee-farm of the Customs, all other Profits being taken away from them, it was thought fit they should have Pensions for Life, and now 'tis continued to their Sons.

#### On Money for Secret Service to Parliament-men.

Sir *John Lowther*.] I think the Words of the Act of Parliament are pursued. I dare say, this is not a matter at all that comes into the cognizance of the Commission of Accounts. The Lords of the Treasury think it a part of their duty, not to enquire into matters of State; as foreign Ministers, and Members of this House.

Mr *Foley*.] 'Tis said, by *Lowther*, "That he thought not this fit for our Enquiry." Mr *Jephson* would tell us what Pensions were paid to Parliament-men, but not what Sums. After Mr *Jephson's* death, we had his Clerk, Mr *Squib*, before us, who said, "It was the King's pleasure, not to have Account of Sums of Money, and it was a great deal for the King's Service not to have Sums named." We have it, we received it, and lay it before you.

Sir *Charles Sedley*.] This is new to our ears, and foreign to story—We give great Sums, but must not receive. For Service for the State, 'tis allowable; but for

for Secret Service, no Parliament-man ought to be ashamed. I am an old Parliament-man, but a young Speaker—One in my company, when I was young, would needs give the Fiddlers two or three pieces, though he loved Music as little as I; but he went shares with the Fiddlers. If the Service can be distinguished betwixt the capacity of a Parliament-man, and Secret Service, let us know it. As it appears to me, it seems a Reflection upon every Member; therefore I would enquire into it.

*Sir William Strickland.*] For Secret Service of State, was formerly, in that Parliament called, “The Pensioner-Parliament.” If this was given for public Service, let it be owned. This may be the reason we go on so slowly. Let every Gentleman lay his hand upon his heart, and declare and vote, “That whoever has received Money is an Enemy to the King and Kingdom, and the Liberties of the People.”

*Mr Goodwin Wharton.*] If this comes to any great or considerable Sum, as I hope it will not, it may endanger the Government; as in King *Charles II*’s time, when the Books were brought before the House\*. I hope you will do some such thing now.

*Lord Castleton.*] The Herd will not suffer wounded Deer to herd with them. These sort of Men endangered King *Charles*, and threw out King *James*; and God bless King *William* and Queen *Mary*!

*Mr Comptroller Wharton.*] I stand not up to oppose any Motion; for indeed you have not any regular Motion before you. But, since I hear a Gentleman’s name (*Mr Jephson*) who is not alive to answer for himself, I had a friendship for him, and I think he did deserve it, and would not have had a hand in any such thing. Something he told me, after he had been with the Commissioners of Accounts, and positively he affirmed, “That no Sum of Money was paid, but what was very justifiable:” And the nature of the thing he told me too. Sums were given to two Mem-

\* See Vol. VII. p. 316-21.

bers, for Discoveries ; the Members never touched it themselves, but handed it to two Persons who made the Discovery.

Sir *Thomas Clarges.*] We did send to Mr *Jephson*, who did open himself very reasonably in the matter. He thought the Precept was not full, and desired it to be explained ; and he had it in the words he desired : He then did tell us, as Mr *Wharton* has said, " That it was for a Service of such a nature, that he thought it of no service to the Commissioners to have it known ; but if they insisted upon it, they should have it :" But a week after he died.

Sir *Robert Rich.*] When Mr *Jephson* was pressed, at our Board, he was asked, " What he hesitated at ?" He said, " Some in both Houses were concerned ; in the one and other House four." He said positively, " It was not for their own use, but upon Discoveries to others ; but positively not to themselves."

(It was whispered, " That part of this Money [20,000*l.*] was for the purchase of *Nottingham-House*, at *Kensington.*" )

Saturday, December 5.

[Sir *Thomas Clarges* reports the Conference with the Lords, on the Bill of Oaths for *Ireland* : Which see at large in the *Journal.* ]

[The Proviso and Articles were read.]

Sir *Thomas Clarges.*] In the second Article of [the Treaty of] *Limerick*, this matter of the Lawyers is concerned ; and it seems to me more extended in the Lords Amendment of the Bill, than in the Article. " All Inhabitants of *Limerick*, and all in the Counties of *Limerick* and *Clare*, who are not Prisoners of War, may practise their several Trades and Professions, &c. taking the Oath of Allegiance, &c. when thereunto required." For " Profession, Trade, or Calling," the Lords have amended it thus : " Attorneys, Barristers at Law, and other Sciences"—" Other Science" is an Addition that may take in all the Popish Priests in *Ireland*. I know not how far " Science" may be construed ; how they should have that Science. This point

of

of Science is commonly applied to Ability ; a Qualification to take the Oath of Fidelity. I thought fit to explain this matter, that you might truly understand it.

Sir *John Lowther.*] I think the Article comprises those only within *Limerick*. I hope you will not confirm, by this Act, any thing not in the Articles already. Read and compare them with the Words of the Bill.

Sir *Richard Reynolds*, a Judge in *Ireland.*] The Lords tell you upon what account this Proviso is brought in, *viz.* upon the Articles. 'Tis all the reason in the World to be tender of those Articles. We have received the benefit of them. Garrisons have been surrendered, Arms laid down. I conceive they should receive no prejudice by those Articles ; but this Proviso of the Lords is more than the Articles ; therefore I move, That a Committee may see how this Proviso extends to the Articles, that it may not extend farther.

Sir *William Leman*, Sollicitor-General of *Ireland.*] The Words of the Article [relate to] those Persons then treated with ; the Words of the Articles qualify all those Persons then treated with, not Persons before the Treaty ; no protection to those Persons is intended, to be qualified. I think the Lords Proviso exceeds the Articles.

Sir *Christopher Musgrave.*] I never, in my Observation, have known a thing of this nature referred to a Committee ; never such a thing was done, for a Committee to bring you an Opinion. The Lords have sent you the Articles, and their Proviso ; you may compare them, that they extend not farther than the Articles will bear ; if so, you can offer an Amendment, and may agree with the Lords with that Amendment.

Sir *Thomas Clarges.*] I conceive, without coming to any farther Resolution, the House may adjourn the Debate to *Monday*. I see not, if you go to a free Conference, how we can justify ourselves—The general Sense

Sense of the House is not to break the Articles, and yet provide for the welfare of *Ireland*.

*Mr Hampden.*] I think the less notice you take of the Articles the better, for your service. I have known a great deal of Articles, after the Civil War. Whatever you do, have as little to do with the Articles as possible. I would have little said of it, whatever you intend to do. I would rather do, than promise. It is for Lawyers and Physicians: As for Physicians, let them do what they please at their perils.

[The Debate was adjourned till *Monday*.]

[*December 7 and 8, Omitted.*]

*Wednesday, Dec. 9.*

*Mr Fuller*, upon his request, was brought to the Bar of the House to make his discovery, &c. \**Who gave an Account of his intrigue with the Lords in the Tower, Prisoners; and, "That they sent Letters and Messages by him to the late Queen, and the French King."* He then proceeded as follows:—One of the Letters from the Earl of *Aylesbury* I opened, which assured the Queen of his fidelity, and desire “That the *French* would send 30,000 men, and he engaged to rise by *June* next, and they should be ready to receive them.” This was in *February* last.—Two Letters were sent to the late Queen, in a bone of mutton, one from the Earl of *Feverham*. Several of both Houses did promise such matters as to cause the People to rebell. The Earl of *Litchfield* intreated, “That the landing might be in *June* or *July*, and he would be ready, when the *French* landed, to join several thousands.” I did open the Letter from Lord *Preston*, declaring his fidelity to King *James* and the Queen; and, “That he would raise men in the North of *England*, if the *French* would land there.” (*He named the Earls of Peterborough, Salisbury,*

\* The amusement given to both Houses by this *William Fuller* was one cause of delay to the Supplies. The Conspiracy of the Papists in *Lancashire* to raise a Rebellion in the Kingdom, in order to introduce King *James*, was attested by several Witnesses, which the *Jacobites* were so dexterous as to take off, either by fair, or violent means. But, nevertheless, their sinister designs being confirmed by the Papers taken with

*Lord Preston*, and several other circumstances, which amounted to an actual demonstration, some persons of note were secured, and search made after others; which brought the business to be examined before the Commons. At this juncture, *Fuller*, who was a Prisoner in the King’s Bench, set up for an Evidence, and, at his own desire, was brought to the Bar of the Commons.

*Tindal.*  
and

and others.) *Salisbury* declared, by Father *Emanuel*, “ That he would advance 4000 l.”—King *James*’s Declaration was dispersed by Dr *Gray*, and Sir *Adam Blair*. *Salisbury*’s money should be advanced by Father *Emanuel*, (who was still in *England*) and he valued not a Warrant to take him, he had such friends in the Secretary’s Office, and in the King’s House.—The late Queen gave me a Letter to the Earls of *Castlemaine* and *Feverham*—King *James* had friends in the King’s Council, of whose service he was well assured. There was a Commission to six Lords to manage affairs in *England*, as if King *James* was in person in *England*. Bills of Exchange were sent by me. The Marquess of *Halifax* was the first in the said Commission. There were 23,000 listed, to join with the French. I must humbly crave the protection of the House, till I bring a Gentleman to confirm what I have said. The Archbishop of *Canterbury* [*Sancroft*] encouraged the matter as much as possible ; but the Earl of *Portland* would not meet the Gentlemen that should discover—The Archbishop of *Canterbury* was not able to give the Gentlemen a protection. He wrote to Lord *Portland*, and his Secretary wrote to him, “ That it was not in his Lord’s sphere, nor could he have money.”—I was by Warrant committed to Prison, and that prevented the Gentleman coming in to discover.—I will forfeit my Life, if the House will give me leave to send for this Gentleman into *Flanders*, who will confirm what I have said. [*He withdrew.*]

Mr *Chadwick.*] *Fuller* has named Lord *Portland*, and my Lord of *Canterbury*; I presume to inform you, what I know of this Gentleman. He has made some believe that he knows something, but not so much as he pretends to. The King has been acquainted with all he has laid before you. I went often to him, to bring him to several points, but whenever he came to fixing time and place, he always shuffled, and pretended want of Papers. He fixed for Lord *Portland* at *Kensington*, but he never kept his time. I thought fit to tell you this, and I am afraid you will find him a very shuffling fellow.

Sir *John Guise.*] I have heard a scandalous report of this fellow—Mr *Crone* was condemned upon this man’s Evidence.

*Fuller*

*Fuller* came in again, and said] I saw an Address from the Lords to the French King, for assurance to restore King *James*, from the late Archbishop of *Canterbury*, the Dukes of *Norfolk*, *Newcastle*, and *Beaufort*; the Earls of *Mulgrave*, *Clarendon*, *Aylebury*, *Castlemaine*, and *Scarsdale*; the Bishops of *Durham* and *Ely*; the Lords *Grey*, *Widdrington*, *Forbes*, and *Teynham*; *William Penn*, and *Berkshire Howard*: There were near forty more, but I could not take all their names, because Colonel *Parker* called for the Addrefs, to carry it to the Queen. The Queen said, “ There were several Persons in both Houses”— And Father *Emanuel* said, “ He had friends in the King’s Council, and the Secretary’s Office;” and the Queen told me, “ If any did trouble me, to apply to Lord *Godolphin*; and that Lord *Feversham*, and several others, would assist him” as Lord *Preston* and Lord *Aylebury*.

Sir *Charles Sedley*.] This young man has accused so many, that was he an Angel from Heaven, I should not believe him, he has accused so many considerable Persons.

Colonel *Cornwall*.] One of the King’s Messengers was concerned in taking *Fuller* into Custody; pray let him be called in.

Mr *Howe*.] One thing will convince me of the credit or falsity of this Person. He says, “ The Archbishop of *Canterbury* would meet him, and Lord *Portland* put it off;” and Mr *Chadwick* said, “ He failed Lord *Portland*.”

Mr *Chadwick*.] I went to *Fuller*, and he appointed Friday night positively to meet him; but no *Fuller*, nor any from him. I went again, and appointed another time at *Kensington*, and then the fire was there; but he failed twice before.

*Fuller*.] I appointed the night before the fire to meet my Lord of *Canterbury* at *Kensington*; but he said, “ All was there in a hurry, and he would appoint another place.” I think there were no more appointments by Lord *Portland*: I cannot say positively. I would have gone as a Prisoner, in Custody of twenty Messengers, if they pleased, into *Kent*, to receive some Papers from *France*. Lord *Portland* gave me 200*l.* and Lord *Shrewsbury* 20 Guineas—The Queen gave me 100 Pistoles, and at my return out of *France* 100 more, when I went away. I had 100*l.* more from Lord *Nottingham*, as soon as Lord *Preston’s*

son's Tryal was over\*. I have laid out in all 1500*l.* in the King's service, of which I have not received 500*l.* I lost my employment for two years—The last Queen made me a Page, and gave me 200 Pistoles, and the Money I owe will make up the 1500*l.* Lord Portland denied me Money to bear my Charges, and for that reason I could not go down. I wrote two Letters to him from *Kent*, in four or five days. I told Mr *Chadwick*, when he offered to go down with me into *Kent*, "That the Gentleman was come to Town"—I think I did give Mr *Chadwick* the Letter from the Gentleman, which said " That in a day or two he would come to Town"—These Gentlemen that I am to produce will bring papers (they desire not to be taken on their bare words) to show how the King is betrayed by some of his Council: The best way is to bring them presently; they fear that some about the King will prevent their discovery. I will take care to write to them, and as the House think convenient, I will either send a Messenger myself, or the King may, if he pleases: I believe I have a servant whom I may trust with the Message. I believe one of the Gentlemen is in *England*, and I did discover one of their names to the Privy-Council; and as for the other, I have not discovered him, because I had not an opportunity. I desire I may be taken into the protection of the House, and that I may have a Sum of Money to enable me to make this discovery.

Sir *John Lowther*.] You would not have sent for this man without some hopes of fruit. Possibly it had been as fit for a Secretary of State to have examined this fellow. When this man convicted a man for his Life (Mr *Crone*) he was not of light reputation. To betray the King's Councils, whosoever they are, they deserve to answer it. If they be too great to be meddled with, I have done little in getting on horseback to bring in King *William*. I believe one of these men he mentions, is not in *Flanders*. Perhaps he is a youth of levity or debauchery, but he offered a fair thing, to bring him. If he be your Hostage, there is no danger.

Sir *Charles Sedley*.] Whatever credit this man is of elsewhere, he has had great trust by Queen *Mary*.—This Boy having received so much Money, without doubt he was trusted. As for taking him into pro-

\* Lord *Preston* was condemned, but afterwards pardoned. See above.

tection, and addressing the King for a Sum of Money for him, and some reward—If he produces original Papers, with Hands and Seal, I know not how he can deceive us.

*Sir John Thompson.]* Now this is come before you, you must do something in it; the honour of the House is concerned in it. Time will try best whether the thing be true or false. I will say nothing to his integrity, but I find he has played with both hands, here and in *France*; but in which he is most sincere, I know not. He tells you, “That Papers, &c. are at his Lodgings.” I would secure his Papers, and send to his Lodgings.

[*December 10, Omitted.*]

*Friday, December 11.*

On the Lords Amendments to the Bill for the regulation of Tryals, in cases of Treason.

*Mr Clarke.]* I would not agree to the Lords Amendment in Impeachments, and limitation of time. I hope the House will be tender to reserve the right of Impeachments in their hands, and I hope this Bill will not amount to repealing the Statute of 25 of *Edward III*, of Treasons reserved to the judgment of Parliament. Suppose a person should conspire to burn the Fleet, if it be proved by one Witness, he is to die for it—Suppose a person should prevail with the King to raise Money without Parliament, and no way to come at such a person but by Parliament; by this Act you cannot come at him. Farther, I fear there will be no Treason but by Statute; and if there be no Indictments, there can be no Impeachments. I fear this Bill will repeal the 25 *Edward III*, and I am against it.

*Mr Finch.]* I did not expect this Objection against the Bill, but I think it is so remote, as not to come into a man's thoughts. Whereas, before the Lords Amendment, the Bill was for the Prisoner's Evidence to be upon Oath, and to have Counsel, and nothing of that

that to extend to Impeachments: And it does provide, that Impeachments shall not be circumscribed in point of time, and that he shall have a Copy of the Indictment, Witnesses upon Oath, Counsel, &c.—But how can this be imagined to repeal any part of the 25th of *Edward III*? Will you say, though this be just in Indictments, it is not just in Impeachments? The Proviso of the Statute of *Edward III* has reserved all doubtful Treasons to Judgment in Parliament. There is nothing touched of that Proviso in the Bill. But says *Clarke*, “In other things there must be two Witnesses, but in constructive Treason one Witness is enough”—This is the bottom of the Objection, and it is an imagination that *Clarke* has found in his Judgment—Nothing, in this Bill, does touch that; but, as he says, “’Tis hard to condemn a man for an unknown Treason, by one Witness, and a known Treason by two Witnesses.”—The Amendment does not take away constructive Treason, and [there has been] but one instance, since *Edward III*, of constructive Treason judged; and that was in the case of *John Imperial*.

*Mr Hampden.*] If the Lords be let in upon you, they may undo you. I would treat the Lords with all respect imaginable, in my little Sphere. The Lords are content that there shall be no limitation of Impeachments in Parliament—I wish to God this Law had been sooner, and perhaps you would have had some good Commoners alive. It is objected, that this may go farther than you intended: Says *Clarke*, “I doubt, this will protect men against declaratory Treason.” Pray, with all our haste, give me leave to propose this caution; that, after the words, “No limitation of Impeachments in time,” be pleased to add, “This Law not to extend to repeal any part of the Statute 25 *Edward III*.”

*Mr Finch.*] As to what has been said, “That this Amendment takes away any Privileges of the House, ushered in with a graceful concession from the Lords;”

I know

I know that a Commoner may be impeached, as well as a Lord ; but if a man be impeached for that which is a known Treason, it is not to be imagined that the Commons would impeach a person without two Witnesses to that Treason. You may as well propose a Proviso for that Statute *de bonis conditionalibus*, as for that Statute 25 *Edward III.* “ In doubtful Treasons, the Judges shall tarry, and not proceed till the Parliament have declared the Treason ;” but I ask, if a man be indicted for that, may that be a question, and the Jury find a man guilty without two Witnesses ?—No man can be proceeded against without two Witnesses, by the Statute of *Edward III.* No man shall be indicted, condemned, and attainted without two Witnesses—Such a case cannot be supposed—But for the reasonableness of the proceedings of this House, God forbid but that a man should have the same method of proceeding as in other places ! A man must have two Witnesses against him (by this Bill) and his own Witnesses sworn ; which is reasonable in Impeachments, as in Indictments ; as in other cases, so in this of Impeachments, a man shall have his Counsel. No man can say, nor suppose, there will ever be such a case, that a man shall not have this time limited in the Bill ; but learned men have objected, (as Mr *St John*, and others,) and very much doubted, whether the Statute of *Henry IV* had not taken away Impeachments in Parliament ; but this Bill does declare Impeachments in Parliament, and that no time takes it away. Here is no Law taken away, but the right of Impeachments is established.

Sir *Thomas Littleton.*] *Finch* says, “ Impeachments in Parliament have been a question, but this Law fixes them, and no time bars them.” I know not if some have been of opinion, that Impeachments in Parliament are taken away—I do not blame *Finch*, who thinks the Lords thought to fix what was doubtful before. I dare be bold to say, if the Clause had been proposed here, before it would have passed this House, you

you would have taken care that nothing should affect Impeachments in Parliament, and the Lords say it shall—A Commoner may be impeached as well as a Lord ; and, I hope, that care is taken—And, after all, the terror of an Impeachment is not so great, as it is thought. We see Persons have not valued them. Here you shall have cunning Lawyers defending an Impeachment, and I hope I shall not degrade your Members to argue against Lawyers—But when an Impeachment is by Gentlemen of his own quality, I think a Cause is as well tried without Counsel, and I would disagree with the Lords.

The Speaker.] I take leave, without arguing, to open the Clause, (*and reads the Clause of Impeachments*) *viz.* “ Not confined to point of time in Impeachment, and Witnesses for the Prisoner to be sworn.”—There are two things in which the words admit of doubtful Construction : One against the Honour of the Lords, and the other of the Privileges of this House. As the Amendment stands, can a Person be allowed to challenge, &c? Then that Person may challenge a Lord. In ordinary Prosecution, the Person must have two Juries, upon Oath, to find the Bill, and your Impeachment is not upon Oath. The Commons are general Inquisitors, and not upon Oath ; it may admit disputes, and have variety of Opinions, and the Laws are to be taken in the most favourable construction for the Life of the Prisoner.

Mr Sollicitor Somers.] You have done justice to the House, in stating the Question. The [more dark the Lords Amendments are, the more they are to be suspected. You are told, by a learned Gentleman, “ That the Lords grant every one of these things to the Person impeached ;” and why then a new Provision ? But that which weighs most with me is, that, in the last Parliament, every word was left out that related to Impeachments, it was of such moment ; and the Lords have now made a direct contrary Clause. Whatever is from the Lords, nothing shall be offered

to mend your Case. The House of Commons go from their dignity, and lessen themselves—The Power of Impeachment ought to be, like *Goliath's* Sword, kept in the Temple, and not used but on great occasions. The Security of your Constitution is lost, when you lose this Power. The Statute of 25 *Edward III* did foresee that men would be above the Law; and, I believe, did not take away those that were Treasons at Common Law. *Seductio Regis* can be punished no otherwise than in Parliament. In the Lords Amendments it is, “He shall have like means of Defence in Impeachment, as the Subject in inferior Courts is allowed.” This is not Treason by 25 *Edward III*.—But do not these words give him the same Defence?—If that be so, then that Branch of the Statute of *Edward III* is directly taken away. 'Tis said, “The Commons may be impeached;” but we know, the Lords have refused an Impeachment, in the Case of *Fitzbarris*\* at *Oxford*. I am against the Amendment.

Mr Attorney *Treby*.] I do not wonder at the zeal of the House, when so great a matter is before you as stating Tryals for Treason; and the Honour of the House is a great thing in Impeachments. When the Parliament had a great opinion of *Charles II*, when the safety of the King's Person was considered, the Statute of 25 *Edward III* was thought the safest and best that ever was made: Before, there was a Latitude of Construction; and as Treason was in the highest degree of Penalty, (Lands were forfeited to the Crown, and not to the Lord) it was wisely done to constrain that construction. That part said, “Because it could not enter into the mind of man to excogitate the Offence of Treason, &c.” Men may invent Treasons of a higher degree than any mentioned, &c.—and referred to Judgment in Parliament, and called another Offence. Your Value is giving Money, and bringing Men to account for great Crimes. If you only give Money, you may lie under the hardships of great Of-

\* See Vol. VIII. *ad finem.*

fenders—You have had instances lately of corresponding with the King's Enemies. But what I mightily wonder at is, that Impeachments should be taken away by the Statute of Henry IV; but that Statute is not meant of Impeachments, but of Appeals of one Lord against another in their Fury: It never intended taking away Impeachments; but in Mr St John's Arguments against Lord Strafford, I find no such thing. Treasons at Common Law were known within the proportion and reason of Common Law. I fear, this Clause of the Lords weakens your Constitution—Impeachments are seldom used, as not fit on common occasions; but I would keep it as it is established by 25 Edward III.—If but a doubt in it, plainly say that you will keep it, and that you will take as much care in this as your ancestors have done.

Sir Edward Seymour.] I have observed, that those Gentlemen, who are for disagreeing with the Lords in this Amendment, are against the Bill. The arguments have gone as if the Clause relates only to the Person impeached. Some reasons have been given against Counsel for the Prisoner—I have had the honour, or misfortune, to have been impeached \*; but they that brought it in were ashamed of it, and that consideration makes me desire to have it easy to such as shall come under it—Before the Statute of the 25 of Edward III, Treason was *individuum vagum*; but that declares it. No man doubts but that the King and Parliament can declare Treason—“Treason, or any other Felony”—That was the thing complained of in that Statute—How can Impeachments have relation to that Statute? When all is done, I am as little forward for Impeachments as any man, nor would I give the Lords new Jurisdiction; but if there be any doubt, I would have it explained, that it may be understood; but do not make it harder in Impeachments than in any other Tryal, when the whole weight of the Kingdom is upon the Prisoner.

\* See Vol. VIII. p. 39, 40, &c.

Sir Christopher Musgrave.] This has been a long Debate, and deserves the consideration of the House, 'tis of so great importance. If I thought that it would lessen the Power of Impeachments, I should be against it. Your Power is not lessened by the Prisoner's having Counsel in Impeachment, as when tried in an inferior Court. But the construction of the words (as the Speaker said) "extends not to challenge of their Judges in Impeachments, any more than in the common way of Tryals." What is it the Lords have offered? In cases of Impeachment, that Witnesses may be upon Oath, to make them more cautious. Those who lay the greatest stress upon this Clause were most against the Bill at first; and I hear not of any Clause from those Gentlemen to mend it. I can never suppose that the Commons impeach upon one Witness, nor the Lords condemn.

To this Amendment of the Lords the Commons answered, " That the Course of Impeachment is a constitution so necessary for preserving the Government, that the Commons cannot consent to admit any relating thereto in general words; because they may be liable to divers constructions, whereby Proceedings in such Cases may be rendered ineffectual."

The following Clause, marked A, was added by the Lords: " And be it farther enacted, by the Authority aforesaid, That, upon the Tryal of any Peer, or Peeres, for any such Treafon, or Misprision of Treason, as aforesaid, that all the Peers that have a right to sit, and vote, in Parliament, shall be duly summoned twenty days at least before every such Tryal, [to appear at every such Tryal;] and that every Peer so summoned, and appearing on such Tryal, shall vote in the Tryal of such Peer or Peeres so to be tried; he and they first taking the Oaths mentioned in an Act of Parliament made in the first year of King William and Queen Mary, entitled, " An Act for abrogating the Oaths of Supremacy and Allegiance, and appointing other Oaths;" and also subscribing, and audibly repeating, the Declaration mentioned in an Act of Parliament, made in the 30th of Charles II, entitled, " An Act for the more effectual preserving the King's Person and Government, by disabling Persons from fitting in either House of Parliament."

Sir

*Sir Thomas Littleton.]* This Clause is not well timed, now the Crown is in more danger than the Peerage. Were I a Peer, I would so clog the Tryal of Peerage, that all the Peers must be summoned—My Reason against this is, that all the Peers of *England* are of kindred, which is an Exception for a Commoner. If all the Peers should come, they may have the majority of kindred, and the Commons have no benefit by it. I am against it.

*Mr Bertie.]* This Clause is only for Tryal of Peers out of Parliament; in Parliament they are safe. This will make Peers more ready to stand up for their Country.

*Mr Sollicitor Somers.]* I observe it an Objection, “That speaking against the last Clause was speaking against the Bill.” ’Tis not the intention of any man to establish an Aristocracy; and this Clause is, in a great manner, to give impunity to Peers, by this Bill. If all the Peers are to be his Judges, a great many may be his friends and relations. Here is a Lord the most abandoned creature in the World, it would be strange he had neither friends nor relations to stand by him. I am against it; for, by this method, you will never have a good Bill, but it will be thus clogged. [There is] no one advantage that the Commons can have in this Bill, but the Lords have it without clogging it with this Clause. Your ancestors have placed great Power in the Lords, on account of their great possessions; a third part of the Nation was amongst the Clergy and the Lords, and the other two in the King and the Commons; but since the suppression of religious Houses, and abolishing Tenures, the Commons have been greatened—But the Lords have a Controul upon you in Law-making, and this is great Power—Suppose a great Faction in the Lords House to hinder any thing from moving to you from the King, what Controul have you upon them? What you do now in the Lords Privileges, you take so much from the Crown and yourselves. Whatever you do of this kind can

never be remedied; for the House of Peers will not part with any thing they have got; the Crown may, for it must use you. If the Lords are weary of this Privilege of Tryal, let them take the common Justice of the Nation, and abide by their Privileges as they stand. When this Clause was sent down, and rejected, the Lords ordered a Committee to enquire into Precedents, and have judged it their Privilege; and as they are content with it thus, pray do you so too.

Mr Finch.] I hear an Objection made, "That, when all the Peers are summoned, those of kin will be sure to appear, and there is no compelling them."—and "that balance of the greatness of the Peers is changed—The Peers were so great men formerly"—As the Law stands now, when the King erects a Court of Tryal for a Peer, the Lord Steward summons them; and if they do not appear, they are finable for not appearing, 'tis such a contempt. Now turn the tables; what Alteration are you making in the Law? If they be impeached, they are tried by all the Peers; if indicted, all the Peers are to try him; and it is but the same in Parliament as out of Parliament. The great cure of all this is the rod of Impeachment, where you have all the Peers; but 'tis not to be supposed that one of the States will be in conspiracy to overthrow the rest. Where is the mighty mischief of this Tryal of Peers, out of Parliament, as well as in Parliament? 'Tis said, "This has been attempted before, and rejected;" but then justly, when it was tacked to matters not relative to it; but here it comes naturally. But it is said, "This is for the benefit of the Peers, and not of the Commons." But if it be a reasonable thing, I hope you will agree. Though no man is accountable for what is said in Parliament, yet there are unlucky memories out of Parliament. There is no hurt in this Clause, unless a man will say, that, the Parliament sitting, the Government is less weak than when it sits not.

Mr

Mr Attorney *Treby.*] The consequence of this Clause is, that when a Lord commits a capital matter, 'tis said, "It is but like Tryal in Parliament;" but 'tis of another force in Parliament, than out of Parliament. If a man be so great as to keep off a Parliament, and to make Peers, the man to be tried will be nearer impunity. I would not place them in that degree of impunity that our ancestors never knew, nor ever would give them.

[The Question for agreeing with the Lords in their last Amendment, in adding the Clause marked A, passed in the Negative; and a Committee was appointed to draw up Reasons to be offered at a Conference.]

*Saturday, December 12.*

[On the Observations delivered in by the Commissioners of Accounts.]

Sir *John Thompson.*] I could wish we had a self-denying Ordinance, "That no persons should sit here, that have Places, or Offices of Profit."—I am justified by good authority; for, before *Henry VIII*'s time, no person that belonged to the Court was permitted to sit within these walls. 'Tis wonderful to consider, that, when the Commons were poorer than now, they should remove great men, and favourites, from the Crown: The reason then was, there was no dependency upon the Court; they brought more of the Country, and less of the Court, with them in after times. I speak my mind truly, and have no reserves; but I believe we shall not carry this, because there were never more dependencies on the Court than now.

Sir *Christopher Musgrave.*] I moved the Question, and I'll tell you the meaning of it; "That no Member shall be a Receiver of Money granted by the Excise, or Taxes." I think it more proper that they should not be Receivers, than give away the Privilege of the House.

*Mr Palms.*] We ought all to stand here on an equal foot. If we make discrimination of who shall have Privilege, and who not, I am against that. I would, at present, wave both these Questions, and not lose the fruit of this Debate: But if you will lay your hands upon Offices of great Profit in this House, and if you will make distribution of it to the public use, I am for it.

*Admiral Russel.*] I move, "That the Moiety of all Profits of Offices above 500*l. per ann.* should go to the use of the War."

*Sir Robert Rich.*] *Russel* spoke to me of this Motion long ago, before I had a Place; but now I rejoice that I have an opportunity to show my respect to the Government, and show myself willing to work hard to ease the People.

*Sir John Lowther.*] I am as ready as any body for this Motion: I will only say, if I found my service acceptable, I would serve for nothing. I am for the Question entirely; but there must be Exceptions; as of the Judges: They lose by their practice in being made Judges; and the Commissioners of the Great Seal.

*Sir Christopher Musgrave.*] What is said by *Lowther* is worthy observation; they do lose by their Employments, and I would have them exempted.

*Mr Howe.*] I am sorry that we, that have no Offices, have no power to vindicate ourselves: But some things are to be considered in the Question. There is great difference in Employments. A man has greater loss in the Country by attending them, and some are obliged to keep Tables.

*Mr Dutton Colt.*] If Offices of 500*l. per ann.* shall not be rated, I shall have no share in it; but if keeping no Tables, I am willing to pay my share.

*Col. Granville.*] I move, "That all Salaries exceeding 500*l. per ann.* shall pay one half to the Government, during the French War."

Sir

*Sir Stephen Fox.]* The necessities of the Government are so great, that they make the valiantest man tremble at the consequences of delay.

*Sir Robert Rich.]* The plainest way is to begin at home. The Gentlemen of the Admiralty have 1000*l.* *per ann.* paid them. My plain intention is, that they should have 500*l. per ann.* but to cut off two parts of three, is the way to work them to nothing.

*Resolved, Nem. con.* That the Salaries, Fees, and Perquisites of all Officers under the Crown (excepting the Speaker of the House of Commons, the Judges, the Lords Commissioners of the Great Seal, [Foreign Ministers,] and Commission-Officers, serving in the Fleet and Army) exceeding 500*l. per ann.* shall be applied to the use of the War.

[December 14, 15 \*, 16, Omitted.]

*Thursday, December 17.*

*Mr Montagu* reported Reasons to be offered at a Conference, for disagreeing with the Lords in their Amendments to the Clause marked A †, in the Bill of Tryals.

Reasons for disagreeing.

“ This Clause, added by the Lords, is of a different nature from the intent and purport of the Bill; which is designed to extend no farther than to allow the Subject a more equal way of making their Defence, in Tryals of Treason and Misprision of Treason, but not to alter the Court, or the method of constituting it.”

To which the Lords, at a Conference, returned the following Answer :

“ The Lords observe, That, in the Reasons offered by the Commons, for disagreeing with them in the Clause marked A, in the Bill entitled, “ An A&t for the better regulating of Tryals, in cases of Treason,” they do not object against it as unreasonable in itself, but as it is of a different nature from the intent and purport of the Bill.

\* This day, the Lords, at a Conference, acquainted the Commons, That, upon the Informations they have taken, they are of opinion, That there was not a copy of any Letter from the Earl of Not-  
tingham to Sir Ralph Delaval taken on board the French vessel (formerly mentioned:) To which the Commons agreed.

*See the Journal.*

† Which see p. 212.

“ The

“ The Lords look upon it quite otherwise, and cannot conceive how any thing should be thought foreign to the Bill, that doth so naturally agree with the scope of it, which is the protection of all innocent men, who shall at any time hereafter be accused of any of the crimes therein mentioned.

“ The ground of this Bill is, that every man, who shall be prosecuted for Treason, or Misprision of Treason, shall have a fair and equal Tryal for his Life; so that, in what respect, or by what circumstances soever, as the course of proceedings now is, an innocent man’s Life, Estate, or Liberty, may be unduly exposed by his being prosecuted for the Crimes above expressed, it is very fit there should be a remedy; and therefore, if the present method of trying Peers giveth just cause of objection to it, in relation to the true and natural meaning of this Bill, it is either to be showed, that the objection is of no force, and that, in the present method, there is no such defect or inconvenience, or it must be acknowledg’d there ought to be a remedy; and then it cannot be denied, but that such a remedy cometh properly in this Bill, since it agreeth both with the Title and Intent of it.

“ The Lords are of opinion, That the interest of the People of *England* is at least equally concerned with that which they may be to have in passing this Clause.

“ In their judicial capacity it can never be thought convenient for those, to whom they are to administer Justice, that the Lords, when they are to receive it, are to lie under greater hardships and disadvantages than others, in cases where their Lives are to be defended.

“ And, as they have a part in the Legislature, it seems to be yet less reasonable, that they should, in the method of their Tryals, be so distinguished, as to be more exposed than the meanest Subject in the Kingdom.

“ The Lords conceive that nothing is more conducing to preserve the whole Constitution, than a mutual care of one another in all the parts of it. It is that most especially, which must cherish and promote the good correspondence betwixt both Houses, which is so indispensably necessary for the maintaining the safety and greatness of the Nation; of which they are so fully persuaded, that they will never fail to support and improve, to the utmost of their power, the true interest of the House of Commons, and therefore cannot doubt but that the House of Commons will be as ready to comply with the Lords in this, or any other instance, where they shall be well founded, as they take themselves to be in the matter now in question \*.

[December 18, 19, 21, 22, 23, 24, 29, 30, Omitted.]

\* This Answer is not inserted in the Journal.

*Thursday,*

Thursday, December 31.

Debate on the Conference with the Lords on their Amendments to the Bill of Tryals.

Sir *Charles Sedley*.] The Lords desire a little shed to shelter them, in their Tryals out of Parliament, by a Lord Steward. They would have the same Tryals out of Parliament as in Parliament; which is the same thing as if on *Wednesday* or *Thursday*. Whilst we are destroying our Enemies, I would not lose our best Friends. I would have something in the Government good, besides the King and Queen. I would have something for our money. I hope every body will contribute to the safety of both the Lords and us, and now we see strangers made Lords, and some have Pensions from the King. The House of Peers is a new thing now. I would therefore agree with the Lords in their Amendments.

Mr *Howe*.] If the Lords are not Subjects, I would have no regard to them. If Gentlemen were better reconciled to the Bill, they would be the ~~more~~ for this Clause. I have been grumbling for this Clause these dozen years. A great many honest Gentlemen have lost their lives for want of this Bill. If it be Law already, that a Prisoner should have a copy of the Panel and Indictment, why is it refused them now? If we do it not in the time we have a King that will secure your Liberties, [we never shall]—I hope we shall take this advantage for Posterity by this Bill. We lose nothing by this advantage that we give the Lords. I cannot but call to mind that all great Officers, in *Henry IV*'s time, were chosen *per communitatem Regni*, that the Lords might be out of danger of their Lives, which I call so for doing their Duty; and that was the Design of that Pétition. What Lord dares stand for his Country, when they have Halters about their Necks, and seven Lords may hang them? When Ruffians shall be sent abroad to kill a Lord, by the power of the Court, if the Lord kill the Ruffian, he will die for it—if the Lords

Lords stand for your Liberties, and our Lives are in danger, I hope you will agree with the Lords.

Mr Dolben.] Notwithstanding all the compliments in the Paper, that dignify the Lords Reasons, you put a greater compliment upon the Lords in calling them so—We may suppose, as well as the Lords. They put it upon you, “That the Objection is of no force;” which is proving a negative. They seem to make their Rhetoric come in aid of their Logic. 'Tis a good rule to judge future intentions by past performances. What have the Lords done at any time for promoting the Interest of this House? I will give an Instance: This House passed a Bill for regulating Elections; the Lords thought it for the Interest of this House, and would not pass it; and that was their good intention to this House then. If this Amendment of the Lords be agreed to, from that moment we may date ourselves precarious. This will give the Lords such power to endanger the Government, that I cannot agree to it. They have a power of over-ruling the Courts of *Westminster*; and you, by this Clause, will complete the work, to overthrow the King's Prerogative, and establish their own.

Mr Finch.] I am not for insisting, if that be the Question, but rather for agreeing with the Lords, and think that the Lords Reasons have both the form and essence of Reasons. The Lords tell you, “'Tis a proper Clause they offer you, for the Bill says it.” If the case be, where innocent mens Lives may be in danger, the argument is no more than, if there be inconveniences in the Tryals of Peers, as there are, they therefore ought to be remedied; and I submit, whether an innocent man's Life may not be in danger? The Copy of the Pannel is only applicable to the Commons—That asked you is only for the Lords to have the same Tryal, out of the Parliament, as in Parliament. It seems, by Dolben's argument, that the Government is not safe in Parliament, but out of Parliament very safe. In case of Commoners the Sheriff nominates the Jury, and by any person the Pannel may be quashed; but

but the Lord Steward summons the Lords, and no exception can be taken against any Lord. 'Tis in the power of any great man to destroy a Lord, for he is, by his Commission, to summon so many as he thinks fit, which may be but thirteen—and may not any innocent man's Life be in danger? The greater he is, the more Power he has, and may have seven Lords of his party; and it subjects some Lords to the will and pleasure of seven. It has been said, "If all the Peers be summoned, none will come, but only such as will acquit him, as his Allies, &c." But the Peers are finable, if they do not come, as any common Jury is. The danger is not at present, when we have a wise and good Prince upon the Throne, but there may be a *Henry VI*, governed by his Lords. I have not heard any Objection, that this weakens the Government, but "that all the Peers summoned will not come;" but they forget to tell you that they may be amerced. We do not find that Relations were so prevalent in Lord *Stafford's* Tryal. But one *Howard*, of six or seven that were his Judges, found him Not guilty \*; and will a Peer expose himself to contempt for this? There is no reason not to agree with the Lords, unless this; that, if we do not agree, the Bill may be lost. Let any man show me any proposition in the Bill that renders the Government unsafe. There is nothing in it, but to render an innocent man safe, and it does not weaken the Government. It makes it more hard to condemn an innocent man, and acquit a guilty.

Mr Attorney *Treby*.] I am against the Clause, though I am fond of the Bill. I hear it challenged, that this Clause does not weaken the Government. I think the Clause does weaken the Government. 'Tis the removing an ancient Land-mark, and an Article of *Magna Charta*. It is setting up a new Court for Tryal of Peers. We are to redress grievances here, and, as if the Lords have not

\* Four of the *Howards*, his Kinsmen, condemned him. Lord *Arundel*, afterwards Duke of *Norfolk*, though in enmity with him, did acquit him. *Burnet*.

privilege enough, to give them more!—We shall not have the thanks of those we represent. The grievance is rather at the bad execution of the Law, than the Law itself. By 33 of *Henry VIII*, all are to be tried by Freeholders, and yet, in spite of that Law, the Judges have declared otherwise. As soon as the Prisoner has his papers, if the Court take them away, (as in *College's Case*) he will have little benefit of the Copy of his Jury, or Indictment. 'Tis a great mistake alleged, “ That it is in the power of a Lord Steward to summon as many as he pleases.” By Law, no man but must be found by at least twenty, who must proceed on his Tral. 'Twas the Earls of *Essex's* and *Southampton's Case*. But 'tis said, “ A Commoner may challenge, but a Peer not;” but this Bill helps them not, but lets in all that will come. They magnify themselves to give their Verdict *seriatim*. 'Twas once thought a great Privilege by the Lords, but now a Burden—'Tis objected, “ That 'tis in the power of the King to make a Lord Steward, and he may be an ill man;” but, on the other side, does not the King make Sheriffs? And I know no reason but that the danger is in the one, as in the other. But to answer the Precedent of *Henry IV*—One of the most learned books of the Crown Law, which is *Stanford's*, says, “ This is that *judicium parium* provided in *Magna Charta*”—This does show, that we are repealing one of the Articles of *Magna Charta* of the Laws of the Kingdom. In Parliament, the Lords are the same, and no House of Peers without the Commons; and 'tis not likely that there will be so much danger, when they are in being, of partiality—'Tis only those Lords that will voluntarily appear; and none but friends will appear, and may be ready to acquit their fellow-malefactor. The ground of the Clause—“ That twelve Lords may conspire an unjust Verdict”—I suppose the Lords may conspire. It seems to me to provide an impunity to the Lords, and this is as near to it as can be. The Government may be ruined for want of Justice in the intervals of Parliament—We must suppose

pose that a Lord Steward will impannel so many as to take a man away—What is a man the better, if he be hanged for one sort of Treason as well as another? 'Tis dangerous to the Government if they misbehave themselves. 'Tis altering the ancient Law of the Land, under which the Lords and we have prospered; and I would disagree.

Col. *Granville.*] I think the Lords tell you right; “That this Clause tends to the scope of the Bill, and that it preserves the Government to keep each part of it as free and independent as you can.” The Lords must, upon all occasions, join with the Crown, when there is a design to debase the Privilege of the People. A Lord knows not how to speak his mind freely in Parliament, when twelve of the King's servants shall hang him, when he is out of these doors. Consider that the Judges that gave those corrupt Judgments were *Durante bene placito*, and did what the King commanded them. I hope, that, by this Bill, the Lords may act free when they come to give Judgment. All the Arguments incline you to this Clause; and, I think, there is only an obstinacy against it. (Excuse the expression.) I find Gentlemen that were against the whole Bill are against this Clause, and I would agree with the Lords.

Sir *Christopher Musgrave.*] I look upon the Reasons, on both sides, to be the lighter, and the best reserved for a free Conference. If Gentlemen are inclined to agree with the Lords, they may do it upon a free Conference with the Lords. I see, by one influence from Court, one Precedent of hardship. I can give more instances of hardship in Parliament than out of Parliament. In Lord *Delamere's* Tryal there were no Lords of that Jury, but what were actually in the King's service, and no reason to object hardship. There is but one Instance, 15 *Edward III*—The Lords obtained an Act, “That no Lord should be tried out of Parliament;” but it was so dangerous that it passed in *Easter*, and was repealed in *October*. This Law may be proper, but not in this conjuncture. We are not now to give a greater

a greater impunity than formerly. The Lords command your Words by *Scandalum Magnatum*, and your Estates by judicial authority, and I hope you will not make them bigger than the Crown, by this way of Tryal.

[Sir Thomas Littleton.] I was 'against this Clause before, and so I am still. I observe, that there was a time when the Lords might have had this Bill, and at a time when the Government laid their hand upon them, and not so much justice then to be expected as now to be depended upon. A thing may be right at one time, and not at another. There is no pretence, or suspicion, under this Government; but why should not this Tryal be for Felony, as well as for Treason, as if they would shelter themselves against the Government in so dangerous a time as we are in ?

Serjeant Montagu.] Littleton says, " Why not this for Felony, as well as Treason ?" Appeals lie in Felony, but not in Treason, and therefore the Clause from the Lords is only relating to Treason.

[The Question being put, That this House doth insist upon disagreeing with the Lords in the Clause marked A, it passed in the Affirmative, 186 to 120; and a free Conference was desired.]

[January, 1, and 2, Omitted.]

Monday, January 4.

William Fuller attended at the Door, and being called in to the Bar, spoke as follows :

There are two persons, who will not only discover what has been done formerly to betray the Government, but what is doing at present. I desired six or seven Members advice and direction to bring them over in safety; but not having provision, I desired, of those Gentlemen mentioned, that I might have Passes for them; and I am assured, those two persons are ready, when care is taken to bring them over speedily and safely. The matter I am sure of, and I doubt not, but all Gentlemen here are as willing as I desire it. I received assurance from them by word of mouth. The Messenger that I sent, is not to come over again—I had a blank Passport for one Gentleman, and that Gentleman got off without the Passport, and I have it by me.

Those

Those now in the Plot against the King are very considerable; and few of them but what are nettled, and they watch these Persons, and a single Passport is not security for their Lives. The Protection I would have for these Gentlemen, should not be sent in the Packet-Boat; and if they deserve not their Pardon, they will not desire it—The Passport I have had, is for a Person to go over to *England*. (*He reads the Passport*) I did not send to Lord *Sidney* \* for a Pass, because I was assured the Persons would not come over till this Honourable House would protect them. I have exposed my life as much as any man for the King's service, and I have flattered the *French* King in his Closet. [*He withdrew.*]

*Sir Francis Drake.*] Here is a plain mistake. The last *Friday* we were informed he had such a Pass †. I move, that he may have the Protection of the House. One Person [*Crone*] was hanged upon this man's evidence, and the Ministers of State have let the rest alone. *Fuller* has done service, and I hope he may have the countenance of this House in an Address to the King for his Protection, and those to come over.

*Sir Charles Sedley.*] I would send for this fellow again, to know what he would have to bring these men; whether a Yatcht or by Messengers.

*Sir John Dorrel.*] *Fuller* says “He had a Passport but for one Person to go over to *Flanders*;” and ‘tis said, “He had a Protection as great as could be granted, and a Passport for these two Persons.”

*Sir Francis Blake.*] These two contradictions seem to me very odd. I would understand it.

*Mr Arnold.*] On *Friday* the House was led into a mistake by that Passport. Other Members affirmed, “That he had a Passport;” as you, Mr Speaker; and I would have them explain themselves.

*Sir Christopher Musgrave.*] I know not what Protection this House can give. The Protection these Gentlemen stand in need of, is no less than a Pardon. People will laugh at us without doors—We have no

\* Secretary of State, afterwards created Earl of *Romney*.

† In a Letter to the Speaker.

Protection but for ourselves. If he will not be satisfied with the King's Protection, he will be satisfied with nothing.

[*Resolved*, That an humble Application be made to his Majesty, That he will please to grant to Mr *Fuller* a blank Pass for two Persons, for their safe coming from beyond sea, or any other place, hither, to give their Evidence ; and for their safe Protection, while they are here ; and their safe return, if desired. And he was called in again, and acquainted therewith\*.

[*January 5, 6, 7, 8, and 9, Omitted.*]

*Monday, January 11.*

On a Motion for farther Supply.

*Sir Robert Cotton.*] I move for a Subscription of the Members, for a Fund to raise Money.

*Sir Charles Sedley.*] They that have good Estates may spare out of their Pensions for their Offices 500 *l. per ann.* and those that have not, 500 *l. per ann.* is enough for them.

*Sir Edward Seymour.*] I observed once, “ That this was a well-officered Parliament.” If the methods of their bounty be brought into Example, the next year will be upon Land in general. I did hope that Gentleman, that brought us into this expence, would help

\* About six weeks after this, (*February 20*) *Fuller* was ordered to attend the House, with the Persons mentioned by him; but he pretending to be ill, and not able to come abroad, several Members were ordered to repair to him, to secure his Papers, and to take his Information upon Oath. *February 23*, *Fuller's* Examination was presented to the House, and read ; and he mentioning Mr *James Hayes*, and Colonel *Thomas Delaval*, as the two Witnesses of which he had informed the House, several Members, attended by Messengers, were ordered to go to the places directed by *Fuller*, and bring the said Persons with them. They went, but found no such Persons as had been described to them ; whereupon *Fuller* was ordered to produce them himself, and also one *Jones* ; which he not being able to do, the House unanimously declared, “ That Mr *Fuller* is a notorious Impostor, a Cheat, and a false Accuser ; having scandalized their Majesties, and their Government, abused this House, and falsely accused several Persons of Honour and Quality ;” and they farther *Resolved*, “ That an Address be presented to his Majesty, to command his Attorney-General to prosecute the said Impostor.” See the *Journal*. *Fuller* was accordingly prosecuted, and sentenced to stand in the Pillory ; which ignominy he underwent without the least shame or concern.

us out. Nothing can be of worse consequence than to multiply Taxes. When the Usurer has the advantage of the Taxes, and not the Public, Gentlemen may live long enough to be mistaken. 'Tis your interest to make this Tax as equal as you can. I shall make you a proposition to raise this Money by a Poll-Bill. I see nothing proposed, but what touches some particulars. If you had proceeded in a Parliamentary method, you should have considered your Abilities before you had engaged the King in a War. There needs no argument better to consider the poverty of the Nation, than so many private Bills, and the lowering of Interest. I propose a Poll-Bill, because of the great inequality of the Tax, when it falls wholly upon the landed man; a general quarterly Bill of twelve pence a quarter, and all Gentlemen twelve shillings a quarter. I do say, twenty to one in *England* paid not a farthing Tax. This will come in quarterly, and there will be no need of borrowing Money. Since we are come into a War, we must get out of it as well as we can. By this you avoid Interest, and all other Objections.

The House being wearied with Propositions, this took.

[January 12, Omitted.]

*Wednesday, January 13.*

Mr *Charles Montagu* reported the two free Conferences with the Lords, concerning the Clause \* added by the Lords to the Bill for regulating Tryals, in cases of Treason, as follows.

“ That the Members of this House, who were commanded to manage the free Conference with the Lords, on the 5th of this Instant, did attend their Lordships :

“ That the Conference was begun by the Managers of this House; who did acquaint the Lords, “ That the Commons had desired this free Conference, in order to a good correspondence with their Lordships.

“ That the inclination which the Commons have to continue that good correspondence, which as yet has been hap-

\* Which see at large, p. 217.

pily maintained between the two Houses, was sufficiently expressed by their proceedings in the whole progress of the Bill.

“ That this Bill was begun by the Commons for the equal advantage of such Lords, or Commoners, who had the misfortune to be accused of Treason, or Misprision of Treason.

“ That, when it was first returned from their Lordships, it came down with very many Amendments; and the Commons were so very willing to comply with the desires of their Lordships, and to give the Bill a speedy passage, that they agreed to all those Amendments, except the two last; though some of them were of a very nice nature, and related to things of which the Commons have [ever] been most tender.

“ That, at the first Conference, the Commons gave their Lordships the Reasons that induced them to make those two Amendments; which did so far satisfy their Lordships, that they did agree to the first Amendment proposed by this House, though they did insist on this other, for which they delivered their Reasons at a second Conference.

“ That the Reasons had been solemnly and deliberately considered by the Commons; but they had not found them sufficient to convince them; and they did still disagree with the Lords in the Clause marked A; and did insist upon that disagreement.

“ And your Managers told them, “ It was very unfortunate, that no Bill for the relief of the Subject, in these cases, had been tendered for many years last past; but either this Clause, or something of the like nature, had unhappily clogged it, and been the occasion of losing it; and that, as this was never thought reasonable to be admitted formerly, upon any account, so neither can the Commons now consent to so great an alteration of our Constitution as this would introduce.

“ That such an alteration is far beyond the intent and design which the Commons had in preparing this Bill. They were desirous that all men should have a fair and equal way of making their defence; they wished that the guiltless should, by all necessary provisions, be protected, and be allowed all just means of making their innocence manifest; but they did not design to subvert the essence and constitution of the Courts; they did not intend to disable the Crown, in one of its most necessary Prerogatives, or to place a Judicature in other hands than those to whom the Laws of *England*, and the Customs of the Realm, have committed it.

“ But the Clause, now in dispute, strikes at no less than this, and, in consequence, at the alteration of the Government of *England*.

“ That

“ That the Government of *England* is monarchical ; and the Monarch has the power of constituting Courts, and Officers, for Administration of Justice. Though they are to proceed according to the known Rules and Limitations of Law, the Judges are constituted by his Commission ; the Sheriffs are of his nomination and appointment, who are to return the Pannel of Jurors ; who are to pass on the Lives of the Commoners : And, in like manner, it is the Prerogative of the Crown to constitute a Lord High Steward, who, by his Serjeant at Arms, does summon a competent number of Peers to be Tryers of their Lordships.

“ But this Clause would erect a Judicature independent of the Crown.

“ That the experience of past times has not contradicted that Opinion of the Honour and Integrity of the Lords, which the Commons have received.

“ That their design, in passing this Bill, was, to prevent those abuses in Tryals for Treason, in inferior Courts, for the future ; by means of which, during the violence of late Reigns, they had observed divers had lost their Lives.

“ That the things to which the Bill extends, are of such a nature, that, except only in one instance, that is the time of the delivery of the Copy of the Pannel, (for it was agreed, even in Lord *Russel's* Case, that the subject had a right to the Copy of the Pannel) the Lords have an equal benefit with the Commons.

“ That the Commons did not observe, that the Clause sent down by the Lords does relate to the like grounds of complaint. No instance can be given of any Peer who suffered during the late Reigns, from whence a just cause of objection might arise to the present method of trying Peers.

“ The only two Persons prosecuted came off, though pursued with great violence ; the one, because the Grand Jury could not be prevailed on to find the Bill ; the other was acquitted [upon his Tryal] by the Justice of the Peers.

“ By all the circumstances of that Tryal of Lord *Delamere* it is manifest, that if there were any unfairness in that method of Tryal, it then would have appeared. The violence of those times was such, that the Commons were not protected by that innocence which has since been declared in Parliament ; yet then Lord *Delamere* was acquitted, by the Justice and Honour of his Peers ; and it may seem strange to future ages, that the Commons should be contented that the method of Tryals should be continued, which was not sufficient to protect their Innocence, and their Lordships alter that which has proved a bulwark to their Lives.

“ That the Commons also think the Clause to be of a different nature from the Bill ; because the Bill does not make any alteration in the constituting of the Court, or in the nature of the Tryal ; but the Commons apprehend, that this is done by the Clause.

“ The Court is no longer constituted by the Precept of the Lord High Steward, who receives his Commission from the Crown ; but the whole Order of Peers have a right to make up the Court ; and all the friends, the relations, and the accomplices of the Person are to be his Tryers.

“ That there is another great alteration in the Constitution of the Court, as the Clause is penned. This method, prescribed by the Clause, is for the Tryal of every Peer ; and every Peer, who has a right to sit and vote in Parliament, is to be summoned, and may appear and vote.

“ Now, it is agreed, by the most learned Authors, that the Lords Spiritual are Peers :

“ This is certain ; whoever would go about to defend the contrary opinion, would find it difficult to answer the several Records of Parliament, and other Authorities, where this point is asserted :

“ The well-known claim in Parliament of Archbishop *Stafford*, in the reign of *Edward III* :

“ The famous Protestation *11 Richard II*, when the Bishops thought fit to absent themselves from Parliament, because of matters of blood to be argued there ; wherein their right of Peerage is directly asserted : And this Protestation, being enrolled at the desire of the King, and with the consent of the Lords and Commons, seems to be of the nature of an Act of Parliament :

“ And if the Law-Books may come in for authority in such points, there are Cases where the pleas of Bishops, as Peers, have been judicially allowed.

“ So that this Clause does directly let in the Lords Spiritual to try, and be tried, as other Peers, who are noble by descent. Not that the Commons are dissatisfied with this, if this were the only matter. The Lords Spiritual, in all probability, by their learning and integrity, would greatly assist at the Tryal of Peers ; and the Commons are well enough disposed to let in those noble Prelates to any Privileges, in point of Tryals, which shall be proposed by the House of Peers. But this is urged to make good the Position laid down before ; that, by this Clause, the Constitution of the Court is quite altered ; it having been taken for Law, that the Lords Spiritual are not to be tried as other Peers, or to be present, or vote, at the Tryal of any other Peers, at least

least out of Parliament: For, as to their right in Parliament, how far they are restrained by their Canons *agitare Judicium*, how far those Canons have been received in *England*, and what the usage of Parliament has been, is not the present business.

“ That, had this Bill come first down from the Lords, and the Commons had added a Clause, That no Commoner should be tried for Treason, but before all the twelve Judges, and by a Jury of twenty-four Persons, and to have taken away all challenges for consanguinity (which, if it be considered, is somewhat of the nature of the Lords Clause, though it does not go so far;) if the Lords had thought fit to have used the same reason for disagreeing to such a Clause as the Commons have done in the present case, “ That it was far different from the design of the Bill;” the same Reasons which the Commons received from the Lords, at the last Conference, if they had been delivered by the Commons, would not have been convincing to their Lordships.

“ That the Commons observed, that the Lords, in this Clause, or in their Reasons, have not stated any cause of objection to the present method of their Tryals; and therefore the Commons wonder that the Lords (as they express themselves in their Reasons) should conceive “ that they were distinguished so as to be more exposed in their Tryals than the meanest subject;” since the Commons do not find but that they enjoy this great and high Privilege (upon which so great a value has been justly put) as fully as ever any of their noble Ancestors did.

“ That it is by this Privilege that the body of the Peers has been preserved so long. If any Lord, at any time, should be disposed to expose himself in defence of the common liberties of the people, the Commons are a security to him against being oppressed by false accusations: Twelve of them must agree to find a Bill, before he can be indicted; and that Bill cannot be found, but upon the Oaths of two credible Witnesses.

“ That the Commons look upon the method of Tryals, which the Lords would alter, to have been as ancient as the Constitution of the Government.

“ That it appears, in the Year-Books, to have been practised in the first year of *Henry IV*, and to have been well known at that time.

“ Indeed, it cannot be supposed to have been an innovation then; the Lords, who had just before deposed *Richard II*, were too great to suffer such an innovation, and *Henry IV*’s title was not sufficiently established to attempt it.

“ The reason why no older instances of proceedings before a Lord High Steward are to be found, is this; that this very

Henry IV, when Duke of Lancaster, was the last High Steward who ever had any fixed interest in the Office; so that the Office being so long since ceased, all the Records are lost, and the very nature and power of the Office, except in this instance of trying of Peers, and determining Claims at Coronations, is lost: But, since that time, the High Steward being only *pro unica vice*, the proceedings are commonly transmitted into other Courts, and so come to be found.

“ The Commons observed, “ That, if there be any objection to that method of trying of Peers, it must be founded on a supposition of partiality, and unfairness, in constituting a High Steward, or in the High Steward himself, and the Peers summoned by him; and the Commons are unwilling to enter into such kind of supposals.

“ That, as to the partial constituting of a High Steward, if that may be supposed, it is an objection to the Constitution, which entrusts the Crown with the Administration of Justice.

“ That supposal may as well extend to the constituting of the Judges, and the Sheriffs, and every other part of the Administration:

“ And if, upon such a supposal or distrust, the remedy must be, to take that part of the Administration out of the Crown, (as is done in this case) the same reason must carry the thing so far, that the nature of the Government will be altered.

“ As to the partiality of the Lord High Steward, and the Peers, the Commons are unwilling to suppose that it is possible that twelve Peers should be ever found (for that number must agree, or the Person accused is safe) who can so far forget their honour, and the noble order they are of, as, for revenge or interest, to sacrifice an innocent Person.

“ But if the Lords will suppose, that such a number of Peers may be capable of being engaged in so ill and so dishonourable a thing, then the Commons think themselves excused, if they suppose, that other passions and motives may also prevail upon the Peers; such as pity in friends, partiality in relations, and the consideration of their own safety in the case of accomplices: Most men, especially *Englishmen*, enter unwillingly into matters of blood.

“ That the most indifferent Peers will be most likely to absent themselves, either from a consideration of dissatisfying the Crown, on the one hand, or drawing on themselves the mischief of a breach with the family of the person accused, on the other; (for it is to be observed, that a restitution of the family follows generally in a short time) or at least the love of security, and care of not engaging too far: For these Tryals, (which

(which for the most part happen in unquiet and troublesome times) will keep indifferent men away :

“ But the care for a friend will not fail to bring friends to the Tryal ; the concern to preserve their family from that stain will bring relations ; and if there be any accomplices, they must be ready, for their own sakes, to acquit the accused.

“ And probably their number must be considerable, in these cases ; for it is not to be imagined that a Lord can enter into those base and detestable actions which may be performed by single persons ; such as poisoning or assassinating the Prince.

“ That the Treasons, which it can be imagined that Lords may be engaged in, may be such as arise from Factions in the State ; in which many must be engaged ; and, if some accident discover sufficient matter for a Charge against one of the Party, the rest, who are concealed still, will have as good right to try their Confederate as any indifferent Lord ; and no doubt but it is their interest to acquit him : And how far, at some times, this alone may go towards turning the scale of Justice, may deserve to be considered ; especially in times (which may happen hereafter, because they have happened heretofore,) when there may be several Titles set up to the Crown, and great Parties formed.

“ That this is a Law which is to have a perpetual continuance ; and that the same Loyalty, Wisdom, and Zeal, which appears now in their Lordships, should be derived down to all their posterity, is a thing rather to be wished than depended upon.

“ That if, therefore, the Clause has a tendency towards letting in an Impunity for Treason, the Commons look upon themselves as justified in disagreeing to it.

“ For they think it obvious to every one, of what consequence it will be to the Constitution, if such a body as the Peers, who have already such high Privileges of all sorts, should have impunity for Treason added ; and what that must naturally end in.

“ That the Commons agreed with the Lords, that a good correspondence between the two Houses is of necessity for the Safety, Honour, and Greatness of the Nation ; and can never think, that it is to be interrupted by their refusing any thing which may endanger the Constitution ; assuring them, the Commons will never fail in improving the true interest of the Lords ; but they persuade themselves, that the Lords will be of opinion, that, to introduce any thing which tends to an Impunity for Treason, is neither the true interest of the Crown, the Lords, or the Commons.

“ That

“ That the Managers for the Lords, who spoke at this Conference, were, the Duke of *Bolton*, the Marquess of *Halifax*, the Earls of *Pembroke*, *Mulgrave*, *Stamford*, *Nottingham*, *Rochester*, and *Monmouth*.

“ The substance of what was said by the Managers for the Lords, was,

“ That the Lords were sorry to be of any opinion different from the Commons, especially in a Clause of so great importance, which did concern not only their well-being, but their very being: That they had not differed from us in any thing propounded for our Security, and hoped we would have the same consideration for theirs; that nothing was so proper for a Parliament as to provide defences for innocence, in ill times. Necessity, in good Prudence, puts us upon it. And though there were good times, in respect of the present Government, they may say, they are unquiet, and unsafe; and what but a good Prince will ever pass such Laws as these are? This is the most proper time to provide for the Subject; for a good King would be not only willing to protect them while he lives, but to provide for their security after his death.

“ That this concerned not only themselves, and therefore they would speak the more freely: It is too narrow a consideration for a Parliament to seek only our present ends: Our Ancestors had farther thoughts: And they did not doubt but we should have so too. This Clause is not for the Lords sake alone; there can no good be done in times of trouble, and Invasion of Rights, but by agreement of both Houses: There must be a concurrence of the greatest part of the Lords, and the greatest part of the Commons, to maintain the Government of *England*. There may come a Prince, when we are dead and gone, that may endeavour to invade the Liberties of the People; and then the Commons would be glad to have the concurrence of the Lords; and desired we would consider, in such a case, whether it would not be a great discouragement for the Lords to act, unless they could be as secure, at least, as the Commons: And if there may be such Princes, is it fitting that any part of the Government, which is so necessary in their concurrence, should be under such terms for their lives, that they dare not oppose them with vigour, nor act, because they lie under shackles?

“ That the Lords would do what was just, though this Clause should not pass; but they would be loth that those Lords, that are eminent for their public service, should be eminent for their sufferings for it.

“ That,

“ That, in the case of Impeachments, which are the groans of the People, and for the highest Crimes, and carry with them a greater supposition of Guilt than any other Accusation, there all the Lords must judge ; but when there comes a private Prosecution, which may proceed from the influence of particular men, then a Lord lies under the hardship of being tried by a few Peers, chosen to try him, whilst all the People may figh and wish for him ; but such a Clause would do him more good.

“ That, suppose an ill Minister should apprehend an Impeachment in Parliament, what manner of way could that man hope better to come off by, than by being tried before a Parliament sits, where his Judges may be chosen so partially, as he shall come off ; and it shall be said, No man can legally undergo two Tryals for the same Offence ?

“ That this way of Tryal was not ancienter than *Hen. VIII.* That it was brought in then to take off those that he did not like ; that, in his time, the Duke of *Buckingham* was taken off in this manner by Cardinal *Wolsey* ; that *Anna Boleyn* was condemned by her own father ; and afterwards, a Party was chosen to condemn the Duke of *Somerset*, and the Duke of *Northumberland* : That the Case of the E. of *Huntingdon*, 1 *Henry IV*, is no good Case, nor truly reported ; for the Parliament-Rolls, 2 *Henry IV*, mention his being beheaded by the Rabble in *Essex*.

“ That this does not alter the Constitution any more than as, in some sense, every new Law may be said to alter the Constitution ; and the Commons say it is altered, because formerly it was by a set number, and now all must appear : And that does not seem to alter the Constitution ; for the High Steward now may summon them all : The Lord High Steward formerly summoned the Court ; he summons it still ; the nature of the Court is not altered by the *majus* or *minus*, any more than the *King's-Bench* ceases to be the same Court, when there are three or four Judges in it.

“ Though this Clause did not (as was said) pursue the ends of the Bill, yet either House has a Power of adding what they think may make it better ; and, though this is not of a different nature, there have been instances of additions of different natures ; but this is so far from it, that it agrees entirely with it, and is as suitable and necessary as any part of it.

“ That the Commons were not well satisfied, when the Commissions of the Judges ran *Durante bene placito* ; and could it be thought reasonable that the Lords, who are the supreme

preme Judicature, should hold their Lives *Quamdiu se bene gesserint?*

“ And though the King does now appoint the Sheriffs, it was not always so; and, since the Crown has made them, the Commons have this for their security, that they may challenge thirty-five of the Pannel, peremptorily, and all the rest for cause.

“ But the Judges and Sheriffs are made before the Crime committed; so that it is impossible for the Judges or Sheriffs to have a prejudice against any man; but the Lord High Steward is appointed after they know the Prisoner, and he shall be tried according to the humour of the times they are in. There may be Lords inclined one way and the other; but in this case, there is a strong thing joined with this passion, which is, their making their own fortunes by serving the present times.

“ That, since the Tryal of Peers, in the time of Parliament, must be by the whole House, where is the inconvenience, that at all times they should be tried as in Parliament? It is a little favour that the Lords ask in this Clause, considering the Privilege of Parliament, for three years last past, has been always subsisting, and is like to continue so during the War: So that the Objection is taken away, as to the present Government; for they will have the advantage of a Parliamentary Tryal; and possibly, in times to come, there may be an Inquisition for what is done now; and it will be well to have the fairest way of proceeding in that matter.

“ That, in the case of Lord *Delamere*, there were several Lords then in Town, and there were a great many of those Lords not chosen; and it is a great question, whether that noble Lord had come off as he did, if he had not received such notice from the Grand Jury, and every thing had not been made out so plain.

“ That the Argument used by your Managers, “ That they could not allow any thing that tends to an Impunity,” is a very large assertion, and may be an Argument against the Bill; because it may happen, that, by giving a Copy of the Indictment, and Witnesses being upon their Oaths, a guilty man may escape, and then he has an Impunity. This is not intended. All that can be done in these cases is, to put in such reasonable caution, and so far, as a Bill can provide.

“ That this Clause could not extend to the Bishops; for it relates only to Tryals out of Parliament; and they are only Peers in Parliament, where they take their Privilege to hear, and then go out again, and do not vote in Blood: And by the word

“ Peers,”

“Peers,” it must be understood of such Peers only as are Peers in respect of their Blood.

“That the Lords were of opinion, that fewer Peers were sufficient to condemn a Peer; but this makes no alteration in the Argument; for there is not much more difficulty in getting twelve than seven. Indeed there might be greater difference where a Crown, or Government, was not concerned.

“That the excellency of a Jury is, that they are taken *ex vicineto*; what is the reason of this? Why, in case of false Witnesses, it is his neighbour that is to save the man. But what security have the Lords, when Lords are picked out to try them, who are not of their acquaintance, and the Lords that know the whole course of their lives to be contrary to what is sworn against them, shall not be chosen?

“That it is implied in the Commission of the Lord High Steward, that all the Peers should be summoned; for, by his Commission, all the Peers of the Realm are commanded to attend upon him, and be obedient to him; so that the King does not only give liberty, but seems to command it.”\*

Debate on the Report.

*Mr Waller.*] I know not, whether it be proper to speak now, or no; but, I conceive, you may amend or restrain any part of the Lords Clause. I am as watchful as any man, that the Lords should have no increase of Power—I think, if the word “Temporal” were put, it would put an end to any thing of the Bishops appearing at Tryals—if the House think fit, I will offer something—Put it to “twenty-three,” and the majority will be twelve.

*Mr Clarke.*] I think you are not ready to conclude. You have had a very faithful Report—This latter Conference I shall speak to—It was made part of that Conference: If the Commons agree to the Amendments, pass the Bill; but it seems not Parliamentary for the Lords to tell you what to do.

*Sir William Whitlock.*] I think, at the last Conference, the Lords did, with all the decency imaginable, offer Amendments. The Lords think a Peer may be convicted by the majority of twelve, and therefore they desire it may not be in the power of a Lord Steward

\* For the Commons Reply, see the Journal.

to pick out twelve, to take away the Life of a Peer; therefore he should not summon less than a competent number. If twenty-three be summoned, twelve, the majority, must convict him.

*Sir John Guiſe.]* I cannot speak of Lord Rochester's argument, at the Conference, without indignation, supposing a change of Government. I am for no compliments in the case, but downright for our Liberties. It is proposed, "That the Lords should have forty-five Peers returned." Is it that the Lords are twice as many as the Commons?—You must have half the Country, if they take the whole body of the Peers. If the Law must be mended for the Lords, why not as much for the Commons? Pray let both go together.

*Sir Thomas Clarges.]* I attended at the Conference. I desire no part of the People of *England* to be under hardship, for Life, Liberty, and Property. I would willingly have all the People of *England* subject to just and equal Tryals; and to have no manner of exposition to be extra-judicial. One of the Robe said, "He would not take from the King the hank he had upon the Lords."—In the eighteen years Parliament, there was a proposition of 300,000*l. per ann.* more to be added to the Revenue. When it was told the King, that the Question was lost, he wondered, "since he had above two hundred Pensioners, and Officers, there, whom he had a hank of." It seems to me a great hardship—Now is the time to put the Lords in a condition with the rest of the People of *England*—Shall we put the House of Peers in a condition to give us no assistance?—I remember the Declaration for Liberty of Conscience; but it was for Liberty of Popery; and the King said, "He would never depart from it."\* The then Attorney-General said, "He must aver, that none of the Judges ever saw it but in print."—The King sent an Answer to our Addrefs, "That he must advise with his Peers about it." The Lords then made a brave stand; and it was remarkable, the interest of the Lords

\* See Vol. II. p. 12, 13.

took

took into it—Then we had good Lords, and I hope that place will ever be a nursery of such. I am very sure we had never had the *Habeas Corpus* Act, but by the assistance of the Lords. Nothing is so precious to mankind as Life. You are told, “This Tryal of the Peers is ancient.”—I have spoken with men that are versed in Records, and they can go no higher than *Edward IV.*—But whether it be so, or no, 'tis a great inequality of Justice, and ought to be mended by Act of Parliament. The Records of the Tryals of Peers are so embezzled, and made away, that we can have no light; but, since we are come to a compromise, since 'tis offered, that such a number be only sent for, *viz.* twenty-three, and twelve to pass upon the Tryal, I think this will do justice to them, and justice to ourselves—It ought to be an universal settlement to the Nation. In case of Appeals, the Commons are *Pares regni*—The whole Lords, as well as we, are part of the People; and let us not secure ourselves, only a part of the People.

Sir *John Lowther.*] I would willingly preserve Constitutions, not only of the Lords, but of the Commons. I know not why those under the same circumstances, should not expect the same advantages. If one part be exorbitant over the rest, then the Constitution is in danger. This Bill was never, in the best or worst of Reigns, offered till now. “That an Inquisition may come in upon us,”—(as a Lord touched at the Conference) I know none but the Popish Inquisition, which lost the *Low Countries*—If the Lords have this Clause, for fear of an Inquisition, they, if they have this Clause, may have power to bring it in. The proper and natural Question is, adhering.

Sir *Christopher Musgrave.*] I hear it insisted on, “That, by this Clause, the Bishops are brought in to be Tryers of Peers;” because, “That every one that has a right to sit in Parliament, is to be summoned.” To this the Lords answered, “That they looked upon the Bishops to be Lords in Parliament, but not Peers

of

of Parliament." It is naturally moved, to put the word "Temporal" before "Peers," which will solve all that doubt. You may alter the Lords Proviso; they cannot, because it was their own.

Mr Howe.] I wonder at that, above all expressions, from *Treby*, "The King, Lords, and Commons, are one body, and 'tis unreasonable there should be a hank but upon one another." The next Successor will take it very ill, that you should think him a worse Prince than his Predecessor; as ill a compliment to him, as a good one to this! Impunity of Crimes is no less justifiable in another Reign than this. If you turned out a King, and secured yourselves, was it only to change Persons? I fear, persons about this King are not much better than those about the last. He makes his Court worse to the King, to advise him to do a thing prejudicial to the People. I wonder we should so soon forget packed Juries—Lord *Russel* died for want of such a Bill. For fear of losing little Places of 500*l.* or 1000*l. per ann.* to betray their Country!—After we have ventured our Lives, and others have good Places and Pensions, I am sorry we should leave Posterity exposed.

The Amendment of "Lords Temporal," and "not less than thirty-six," passed; [and the Clause, so amended, was agreed to by the House; of which the Lords were informed the next day at a free Conference.]

*The Compiler was absent the remainder of the Session\*.*

[The House continued sitting till *February 24*, when his Majesty, after passing several Bills, made the following Speech to both Houses:

" *My Lords and Gentlemen,*

" I return my hearty Thanks to you all for the great demonstrations you have given me of your affection in this Session, and of your zeal for the support of the Government.

\* It appears, by the Journal, that Mr *Archibell Grey* had leave from the House, *January 15*, to go into the Country for three weeks, upon extraordinary occasions,

" And

“ And I must thank you, *Gentlemen of the House of Commons*, in particular, for the great Supplies you have given for the prosecution of the War: I assure you, I shall take care so to dispose of the Money you have given me for the public occasions, as that the whole Nation may be entirely satisfied with the application of it.

“ *My Lords and Gentlemen*,

“ I think it proper to acquaint you with my intention of going beyond sea very speedily; which, I am afraid, has been already retarded more than is convenient for the present posture of affairs: And, upon that account, I think it necessary to put an end to this present meeting; the season of the year being so far advanced, that it may prove of the last ill consequence to continue it any longer.”

The Lord Chief Baron afterwards declared, That it was his Majesty’s pleasure, that both Houses should adjourn themselves till *April 12* \*.

*April 12, 1692*, the Parliament met, and was prorogued, by Commission, to *May 24*; from thence to *June 14*; from thence to *July 11*; from thence to *August 22*; from thence to *September 26*; and from thence to

*Thursday, November 4.*

When the Parliament met, and his Majesty, in the House of Lords, made the following Speech:

“ *My Lords and Gentlemen*,

“ I am very glad to meet you again in Parliament, where I have an opportunity of thanking you for the great Supplies you have

\* The King embarked for *Holland*, *March 5*; and, soon after, a Conspiracy was formed in *England* for the Restoration of King *James*, which was to be favoured by a Descent from *France*, under cover of a powerful Fleet; which, perhaps, might have succeeded, had not a timely and destructive blow been given to the *French Navy*, by Adm. *Ruffel*, off Cape *La Hogue*, *May 19*; twenty-one of their largest ships, besides frigates, &c. being destroyed, without the loss of one ship on the side of the *English*, or any Commission-Officers, but Rear-Admiral *Carter*, and Col. *Haslings*. King *James* and his Army had the mor-

tification of being eye-witnesses of this defeat, on the Coast of *Normandy*, which put a final stop to his Invasion; though it was not pursued with the vigour that it might have been, as will appear hereafter. A Descent, which was afterwards projected into *France*, on account of the season was laid aside. In the *Netherlands*, *Namur* was besieged and taken by the *French King*, and King *William’s Army* was afterwards defeated at the Battle of *Steenkirk*, *July 24*. *Grandval*, for being concerned in a Plot to kill the King, was executed in the Camp, *August 13*; and his Majesty returned to *England*, *October 18*.

given me, for the prosecution of this War; and I hope, by your Advice and Assistance, which has never failed me, to take such measures as may be most proper for supporting our common interest against the excessive power of *France*.

“ We have great reason to rejoice in the happy Victory, which, by the blessing of God, we obtained at Sea \*; and I wish I could tell you that the success at Land had been answerable to it: I am sure my own subjects had so remarkable a part in both, that their Bravery and Courage must ever be remembered to their Honour.

“ The *French* are repairing their losses at Sea, with great diligence, and do design to augment their Land-Forces considerably against the next Campaign; which makes it absolutely necessary for our own safety, that, at least, as great a force may be maintained at Sea and Land, as we had the last year: And therefore I must ask of you, *Gentlemen of the House of Commons*, a Supply suitable to so great an occasion.

“ I am very sensible how heavy this Charge is upon my People; and it extremely afflicts me that it is not possible to be avoided, without exposing ourselves to inevitable ruin and destruction.

“ The inconvenience of sending out of the Kingdom great sums of Money, for the payment of the Troops abroad, is indeed very considerable; and I so much wish it could be remedied, that, if you can suggest to me any methods for the support of them, which may lessen this inconvenience, I shall be ready to receive them with all the satisfaction imaginable.

“ *My Lords and Gentlemen.*

“ None can desire more than I do, that a Descent should be made into *France*; and therefore, notwithstanding the disappointment of that design this last summer, I intend to attempt it the next year with a much more considerable force: And, so soon as I shall be enabled, all possible care and application shall be used towards it †

“ And, upon this occasion, I cannot omit taking notice of that signal deliverance, which, by the good Providence of God, we received the last Spring, to the disappointment and confusion of our Enemies designs and expectations. This has sufficiently

\* See p. 241. Note

† In consequence of this, orders were given for having a Fleet for Transports, with so great a Train of Artillery, that it would have served an Army of 40,000 men. This

was very acceptable to the whole Nation, who loved an active War, and were very uneasy to see so much Money paid, and so little done with it. But all this went off without any effect. *Burnet.*

shown us how much we are exposed to the attempts of *France*, while that King is in a condition to make them. Let us, therefore, improve the advantage we have at this time, of being joined with most of the Princes and States of *Europe*, against so dangerous an Enemy. In this surely all men will agree, who have any love for their Country, or any zeal for our Religion. I cannot therefore doubt, but you will continue to support me in this War, against the declared Enemy of this Nation, and that you will give as speedy dispatch to the affairs before you, as the nature and importance of them will admit; that our preparations may be timely and effectual, for the preservation of all that is dear and valuable to us. I am sure, I can have no interest but what is yours: We have the same Religion to defend; and you cannot be more concerned for the preservation of your Liberties and Properties than I am, that you should always remain in the full Possession of them; for I have no aim but to make you a happy People.

“ Hitherto, I have never spared to expose my own Person, for the good and welfare of this Nation; and I am so sensible of your good Affections to me, that I shall continue to do so, with great chearfulness, upon all occasions, wherein I may contribute to the honour and advantage of *England*.”

The House being returned, adjourned to *Thursday*.

*Thursday, November 10.*

*Resolved, Nem. con.* That the humble and hearty Thanks of this House be presented to his Majesty for his most gracious Speech; and to congratulate his Majesty upon his safe return to his People, after the many hazards to which his Majesty has exposed his sacred Person, and for his Deliverance from the Malice of his Enemies; and to assure his Majesty, That this House will always advise and assist him in the supporting of his Government against all his Enemies.

*Resolved, Nem. con.* That an humble Address be presented to her Majesty, acknowledgeng her prudent Administration of the Government, in the absence of the King.

And a Committee was appointed to prepare them.

*Friday, November 11.*

*Resolved,* That the Thanks of this House be given to Admiral *Russel*, for his great courage and conduct in the Victory

obtained at Sea the last summer. And the Speaker gave him the Thanks of the House accordingly.

*Ordered*, That the Commissioners of the Admiralty, and the Honourable Member that commanded the Fleet, give an Account, to the House, of the last summer's Expedition.

Saturday, November 12.

Lord *Falkland*, from the Commissioners of the Admiralty, according to Order, presented to the House several Papers of Instructions and Orders for the last summer's Expedition, in relation to the Fleet; and also several results of Councils of War held touching the same; which were read at the Clerk's Table.]

Debate.

Mr *Goodwin Wharton*.] I desire the House may be informed, why Sir *John Ajby* had fallen short of his Duty, who should have pursued *Tourville*, when he was divided from the rest of the *French Fleet*\*?

Admiral *Russel*.] I received an Order yesterday to give an Account to the House of the disposing of the Fleet after the Battle, and why the Victory was not pursued, and Trade not protected, and why the Ships lay so long in Port after the Battle. There was not one Transaction of the Fleet, without the Consent of the Council of War; they were all unanimous. I have prepared a Paper to give you an Account how the Wind stood, the time the Fleet lay in Harbour.

Sir *Thomas Clarges*.] I did move that the Commissioners of the Admiralty should lay before you the Papers of their Transactions. You are told, by *Russel*, of the Council of War of the Flag-Officers; but I mean the Council of the private Captains, for carrying on the Descent to be made, by the Fleet.

\* A great part of the *French Fleet* sailed Westward through a dangerous Sea, called the Race of *Aldernay*. *Ajby*, Admiral of the Blue, was sent to pursue them, and he followed them some Leagues. But

then the Pilots pretending danger, he came back; so twenty six of them, whom if *Ajby* had pursued, by all appearance he had destroyed them all, got into *St Malo's*.

*Burnet.*

Mr

Mr *Foley*.] 'Tis not material who was at the Council of War, but I would see the Papers of opinions of the Council of War about the Descent.

Lord *Falkland*.] We have no original Papers of the Descent at the Admiralty-Office.

Sir *Thomas Clarges*.] I would know why the Fight was in *May*, and the Descent not till *July*?

Mr *Smith*.] This seems to me a defective prosecution of the Victory, and not as it should be. I move that you would go gradually to enquire what defect there was in the prosecution of the Victory, before you come to the matter of the Descent.

Admiral *Russel*'s Paper was read, [giving an Account] why the Victory at Sea was not prosecuted, and why the Fleet lay so long on the *French Coast*.

Sir *Robert Howard*.] The advice you may give the King, in this matter, may be in the nature of another Supply. *Russel* did engage, and did fight, but not all the Ships, and from them he might justly expect pursuing the Victory that we had got at Sea. Stick to this particular, why the Victory was not pursued. An *English* Priest at *St. Malo*'s had abused an *Englishman*; *Cromwell* demanded him, and his Admiral, *Blake*, battered the Town so long, that the Priest was delivered him. I would know whether the Sea and Land is not the same as formerly? And if this was done then, why not now?

Sir *Thomas Clarges*.] I would know what Answer came from Lord *Nottingham*? They lay long enough for it. I would know, in that time, from *July* to *August*, what happened?

Mr *Foley*.] The Fight was the 19th of *May*. There is a relation of it under *Tourville*'s hand. If Sir *John Ashby* had done his duty, why were not the *French* pursued? He pursued but three Ships, and so the rest got off.

Sir *William Strickland*.] I move that *Ashby* may be sent for, to give you an Account.

Sir *Charles Sedley*.] I think *Tourville*'s relation is a great reflection upon *Ashby*—He will do it upon

our best men. I would send for him, and let him tell his own Tale.

Sir *Edward Seymour.*] I think it fit to have all before you, because you have a seeming Accusation. If you examine, and punish none, you confirm the Miscarriages. Why the Victory was not pursued relates to *Ashby*: Therefore, before you proceed farther, send for *Ashby*. As for the Miscarriages of the Ships, 'tis not the business of the body of the Fleet to lurk after particular Ships. Great time was spent to prepare this Fleet. Though they said not, they would not go aboard—But they are bold Commissioners to advise prosecuting a Descent against the Opinion of all the Council of War at Sea.

[Ordered, That Sir *John Ashby* do attend this House with all speed.]

Sir *Thomas Clarges.*] This Descent cost you some hundred thousand pounds. All we find, is bandying it from one to another. The Sea-Officers will not meddle without the Land, nor the Land without the Sea—Except this Victory at Sea, there has been but one act since this War towards abating the *French* power—I would know, whether the Admiralty ordered this? I have spoken with *Newfoundland* men, who say that the *French* go to fish there by *August*. The *French* had two little Forts there, which were attempted and left, and two little Frigates, in 1682, took them—All is very unfortunate. I thought, after a Victory, to have been secure in Trade; but we have lost above a hundred Ships. I would know who had the Direction of the Descent? I hear, that, after this Victory, it was very terrible to the *French*. To lie still from the 19th of *May* till the 24th of *July*, was very strange! There was great diligence formerly, when *Van Tromp* put up a Be-som on the Top-Mast, and said, “He came to sweep the Channel.” We were not in so good hands, and good understanding then, as we are now; but then we took many Ships. But I know not how it happens, there is not that Zeal now to the Government, as was then;

then; and though we have been successful at Sea, we have been very unfortunate on Shore. I would know who had the direction of the Descent, so late, and retarding the Land-men?

Sir *Robert Rich.*] The *French* were not gone from *Newfoundland*, but lay under the Fort. But I would know, whether it was not the middle of *July* that our Ships went out thither?

Admiral *Russel.*] 'Tis enquired, what the Fleet did after the Fight? I aver, the Season proved so tempestuous, that they could not stir. But it is not an argument now (by what has been told you) to what was done forty years ago about the Priest at *St. Malo's*. It was the 14th of *July* before the Ships could sail, and they must be clean before they take so long a Voyag. Neither the *English*, nor the *French*, ever sail from *Newfoundland* till the 20th of *September*.

Sir *Thomas Clarges.*] What *Russel* says of his own knowlege, I do believe, but the *French* go always a month before the *English* come away; and I do say that two Privateers did take the Fort.

Sir *Peter Colleton.*] I move to know, who had the particular charge of the Transport-Ships?

Sir *Robert Rich.*] The Commissioners of the Admiralty had no cognizance of other Ships than those of War: That belongs to the Commissioners of Transports.

Sir *Thomas Clarges.*] The thing we would know, is, the time when these Ships were ordered: they pretend want of Money, but there was no defect of that. I would know when these Orders were given?

Sir *Robert Rich.*] You are now sending for *Ashby*, the second Flag-Officer. I would consider, whether it is for your Reputation to send for him. I think it were better to send for him by intimation from the Admiralty-Board. (*But the thing was already ordered.*)

Sir *Thomas Clarges.*] I think the Commissioners of the Admiralty in an unfortunate condition. I think some of them are worthy men; but they are in a hard condition. I cannot but take notice, that if cross Orders

should be sent to the Fleet, in time of service, it may be of great mischief. There may be cross Orders from the Queen in the King's absence, and from the Commissioners of the Admiralty. The Commissioners are Admirals by Act of Parliament.

*Mr Smith.*] I desire all respect may be used to *Ashby*. The common Method is a Summons; your Order is already made; pray do not make another to contradict it.

*Mr Hampden.*] Your Order is for *Ashby* to attend the House, but not how to be summoned. Therefore I move that the Speaker may summon him by his Letter.

*Col. Titus.*] I know not how *Ashby* deserves such a favour as a Letter from the Speaker. You sent for *Delaval* by your Serjeant; I know not why it may not be so now.

*Sir Christopher Musgrave.*] I think it is the best way of respect to *Ashby*, to send a Summons, and let your Messenger deliver him your Order, and he may come at his ease. To receive an Order by a Messenger of your own, is no reflection at all; but to send a Summons by the Post, unless it be better managed in other Counties than in ours, I know not when it will come to his hands.

*Sir Edward Seymour.*] 'Tis well advised, that *Ashby* be summoned by your Order. I know no diminution to any person to let him know the Order of your House by your Serjeant.

[*Monday, November 14.*]

The House waited on their Majesties with their Addresses.

[*Tuesday, November 15.*]

The Serjeant at Arms acquainted the House, That Sir *John Ashby* having been served with the Order for his attending this House, he returned Answer, " That as soon as any Person came to take the charge and command of the Fleet, he would attend the House." ]

[*November 16 and 17, Omitted.*]

*Friday,*

Friday, November 18.

The Bill for regulating Tryals, in cases of Treason, was read the second time.

Sir William Whitlock moved for Commitment of the Bill.

Sir Thomas Clarges.] I have perused the Bill, and it came last Session to a Committee of the whole House. But since it has been already passed, there is no necessity that it go to a Committee of the whole House. But I submit it to you, Whether you will put it to a Committee of the whole House, or a select Committee?

Sir John Lowther.] I cannot agree to the Bill. I would have the security our Ancestors had, be so to us, especially in this time, so few have been tried for Treason. The Bill says, "Indictment is not to be presented but in ten days;" 'tis impossible in our County [Westmorland] where the Assizes are but once a year, and witnesses may be dead, or tampered with, or the Criminal may escape, and so not be punished. I should be glad my Country and family may be secured, but I think this Bill is no security.

Mr Attorney Somers \*.] I shall never consent that any thing of the Liberty of the Subject be taken away. I have not given occasion to any man to say I ever strained any construction of Law. To several parts of the Bill I disagree, but am totally against timing the Bill, as unnecessary and inconvenient. I declare my Judgment against the last Clause: The only thing, besides giving Money, by the Commons, is the right of Impeachments; if that be brought down to ordinary proceedings, the Commons will never undertake Impeachments, when Counsel must stand upon an equal foot with the Commons, and put themselves under a very low degree. If a man have the good luck to conceal Treason for a time, he may escape prosecution. Yesterday Perjury was made a Capital Law†. Taking this

\* The former Attorney General, Sir George Treby, had been made Lord Chief Justice of the Common Pleas.

† A Bill had been ordered in to make it Felony.

Bill altogether, it is so difficult to prosecute any man for Treason by this Bill, that I think it unnecessary, and ill-timed, and I am against it.

Sir *Christopher Musgrave*.] The learned Person that spoke last, has thought this Bill unseasonable, and spoke to several parts of it, which may be good instruction to your Committee. I remember, in the Convention, one Grievance was, misinterpreting the Law, and misconstruction of it, in cases of Treason. Few but did bewail the misfortune of the last Government in misrepresentations of Law; and it is just to prevent it for the future. As for the objection about the Impeachments, that is proper for the Committee to consider; but I would know whether such a Bill is not requisite? If so, what security have we more than we had before? When Princes strain hard upon their subjects, it will be hard to get such a Law. The time therefore now is seasonable.

Mr Sollicitor *Trevor*\*.] There are great objections against this Bill—It seems to aim at those things that every honest subject ought to do; and if the ends of it could be accomplished, I should be for it; but I take it to be quite contrary: No doubt but we should secure the protection of the Lives of the Subjects, but this Bill gives protection to offenders, and does not preserve the innocent, and then the Bill is not to be passed. I shall not deny, but there have been misinterpretations of the Law in former reigns; the way to prevent that for the future is to prevent the Authors of them. This Law now will have no greater sanction than the former Laws. There are too many, I fear, that correspond with our Enemies abroad. Now, whether is it proper to pass a Law more difficult for prosecution, than in

\* Second Son of Sir *John Trevor* (Secretary of State to King *Charles II.*) appointed Attorney-General in 1695, and on Queen *Anne's* Accession, Lord Chief Justice of the Common Pleas. In 1711, he was created Lord *Trevor*, and in 1725, was appointed by King *George I.*

Lord Privy Seal. He was continued in the same Post by King *George II.*, and in 1730, was made Lord President of the Council: He died the same year, aged 72, and was Father of the present Lord *Trevor*, and the Bishop of *Durham*.

times of our Ancestors? Nobody but will think then that this Bill is an encouragement to impunity. Will the innocent be protected in letting loose so many ill men against the Government? What then will be the consequence? Tyranny and Popery will be the subversion of this Government. Then will this be a protection to Posterity? All the Laws we can make, will not protect us, if there be an encouragement to those who would subvert the Government. 'Tis said, "The Bill passed last Session;" but if it did, the objections against it are stronger now. 'Tis known, since that Session, what attempts have been made to invade the Kingdom, and too many engaged in it here. Though there were not two Witnesses against them, yet we are persuaded some did deserve it—Shall we now give them greater encouragement to be offenders?

*Mr Harley.]* I observe, that those who spoke against the Commitment of the Bill, have used arguments that are against the whole Bill. If you are not for the Commitment of the Bill, you are for throwing it out. In the Convention there was a Committee for public Bills, and this was one of them. Has any thing since been done against offenders formerly? Because you did it not then, will you not do it now? The Statute of 25 *Edward III* regulates Treasons after great Revolutions. In *Henry IV*'s time, there was such a Revolution as this. It is said, "The Bill is not suitable to the Disease;" if it be not strong enough, I hope you will make it so.

*Sir Charles Sedley.]* I would by no means endanger the King's safety, and for ours we can do no less than commit the Bill; that we who canot make long Speeches, may speak to the parts of it.

*Lord Coningsby.]* I always thought the impunity of the Government would hazard the security of it. If the Plotters succeed, there is no security to you; and if this Bill helps to restore those who violated formerly, you are still worse. One particular you allow; public Enemies are those who own not the Government. Are they

they to have the advantage of this Bill, and the Papists, that will bring Popish Evidence against us ?

Mr Foley.] There have been Misconstructions of Cases of Treasons. If there had been no Misconstruction in case of Treasons but in the late King's Reign —But in others, the proper remedy is a Law declaratory. If you commit the Bill, I hope great care will be taken, that no guilty may be protected. 'Tis said, "It will be hard by this Bill to bring a Man to Tryal;" but the true Reason is, because there is no proper direction given for the Prosecution.

[The Bill was committed to a Grand Committee, 170 to 152.]

[Saturday, November 19.

Sir John Ashby, at the Bar, gave the House an Account of the reason why the French were not pursued, after the Fight at Sea, to St Malo's, &c. "That the Fleet would have been endangered, by reason of the shallows; and one of his Captains, a Trader formerly there, assured him that he was run aground in a Vessel, but of 100 Tons." *And then withdrew.* And, being called in again, the Speaker acquainted him, "That the House had taken notice of his ingenuous behaviour at the Bar; and had commanded him to tell him, that they are satisfied with his Account; and that he was dismissed from further attendance".]

Monday, November 21.

On Foreign General-Officers:

Captain Mordaunt\*.] I wish the King would reward and punish more than he does—Trumpeters and Corporals have been made Officers—And I receive not the third part of my pay, to keep up the grandeur of my place of Captain—I cannot believe that 14,000 came over out of Ireland. I believe that most people that came over, came for getting—if that be not the rea-

\* Second son of Lord Viscount A-wilson, and nephew to the E. of Peterborough. He was Member for Brackley and in 1699, was appointed Treasurer of the Ordnance. He died in 1719, and was father of the present Sir John Mordaunt.

son of the vast debt in *Ireland*, I hope we shall have another reason. *The Compiler heard him imperfectly.*

Sir *Thomas Clarges.*] We have been told of great Misdemeanors in *Ireland*; the Government is divided there into Civil and Military Hands. I would know, who had the command of the Army in *Ireland*, Lord *Coningsby*, or Lord *Athlone*?

Sir *Peter Colleton.*] There are many brave men in the Nation, and some sit in your House, qualified for General-Officers, and there is no need of Foreign General-Officers. The Foreigners would have raised the Siege of *Athlone*; the Foreign Generals were against storming; but an *English* General was for it, and it was taken: For ought I know, had it not been done, *Ireland* had been still to reduce. *Englishmen* naturally love their Country, and will not willingly destroy their Country. Foreigners cannot have that affection for *England*. When King *James* set up to overthrow Parliaments and Property, the *English* Officers gave up their commands. We know not how soon we may fight for our all on *English* ground—I think we are much safer in *English* hands than in Foreigners. None are ignorant of the melancholy story of *Steenkirk*\*; every one knows that Tragedy. The common Soldiers had no opinion of their Officers. I move, “That none but Natives should command *Englishmen*.”

Mr *Wharton.*] The thing is just, to encourage *Englishmen*, and as long as there is a necessity of a War, I would continue it on our own foundation. We want not Foreign Officers; we have Natives fit for employment—Nothing but an *English* Army can preserve our *English* Liberties and Properties. Encourage them to be entirely *English*, from the Soldiers to the Officers.

Lord *Falkland.*] I have as much esteem for *English* Officers as any body, but the King, who is a witness

\* See p. 241, Note.

of their Actions and Merits, [is the best judge] I would have that come only from the King. You know not what Officers the King designs. When you come to the State of the War, it will be proper to speak to this then.

*Sir Edward Seymour.*] I wonder, that, on such a subject as this, and so little debating upon it, Gentlemen call for the Question so suddenly. I shall only observe, that there is a great deal of difference in what came from *Brackley (Mordaunt)* and what from Town. There was nothing of Mutiny for want of pay, but for the reason of it; Subsistence Money was regularly paid, sixpence a day, but threepence, the off-reckonings, was for cloathing and necessaries. This has been punctually paid. It is true, Officers have but half pay, and as for Trumpeters, &c. it was rectified, because, under the notion of Officers for *Ireland*, there are Commissioners stating the Accounts of Quarters, how much is owing to the Country. Thus much I can say, this falls not out by Chance—We have had experience, that Officers, to whom money has been paid, have defrauded the Soldiers, and let the Soldiers do what they will, as to that—In relation to Foreign Officers, that fell not out by chance; it was necessity, and not chance. Men are not born Generals. A man may be a good Officer, and not a good General. We have not of our own men fit for that employment; the King knows men, and I hope you will not offer the King men unfit. Men that get into employment, think it an injury if they are not Captains presently. Men that have not gone through all employments, can never be fit for the Army, or Navy, and return with all disadvantage. What number have you fit for General-Officers? They are few; and will you think to discharge and send away Foreigners, till you have Generals of your own? I am not for Foreigners, for Foreigners sake. If we have not General-Officers of our own fit for this employment, I hope you will not put the Foreign Officers out.

Captain

*Captain Mordaunt.]* I hope, as good Advice may come from *Brackley* as from *Exeter* [*Seymour*] That of the Trumpeters, &c. lasted a whole Campaign—If there are ill Men, both in the State and Army, I care not how soon they are punished. Great Men have had great Sums in *Ireland*, that have nearly cleared the pay—As for General-Officers, I would have no man discharged, that has done well by the *English* Officers. I have served under Foreigners, who did very well, and I hope they will be excepted.

*Sir John Lowther.]* I find some ambiguity in the Question, *viz.* “That, for the future, no Foreign General-Officers shall command *Englishmen*.” What will you do with those you have? The great ignorance of Military Affairs, in King *James*’s Army, was not one of the least advantages of the Revolution, by the conduct of these Foreign Officers; when an Army is only for parade at home, and nothing to be done abroad. From the Foreign Officers we had experience. I do not question, but in two years, we may have General-Officers of our own, but we have lost four General-Officers, which is a great many, and no wonder we have so few. It is the proper business of the Crown to bestow marks of favour on the General-Officers, and I doubt not but the King will take care to do it. A great many think, that so much gratitude is due to them for the good they have done you, and the skill they have taught you. Therefore I would not put this Question.

*Sir Charles Sedley.]* I think it the highest ingratitude to turn out those Generals. These Gentlemen have been the King’s Companions of his Arms; ’twill be hard upon the King to turn them out.

*Earl of Ranelagh.]* No man shall be more for the advantage of *England*, or *Englishmen*, than myself; but pray look into the matter of fact. The King has not resolved on his General-Officers for 1693. For the present, there are two Generals, five Lieutenant-Generals, five Major-Generals, and ten Brigadiers. If

you

you examine their names, you will find two Lieutenant-Generals, *English* born, the Earl of *Oxford*, and General *Talmash*; the Duke of *Schomberg*, M. *Auverquerque*, the Earl of *Portland*, and the Duke of *Leinster*, are naturalized. The old Duke of *Schomberg*'s son you will look upon as naturalized. There are six Brigadiers that are *English*. The last Session, every one of these men had the approbation of the House, and Money given them; and not one of these but ventured their lives for reducing *Ireland*, and delivering you from Popery and Slavery. Pardon me, if I say, this will look ungrateful. An Army composed of several Nations must have Generals in several places. In the last Campaign, the King made three Natives Major-Generals, *viz.* the Duke of *Ormond*, the Earl of *Scarborough*, and Col. *Bellasis*. *Douglas*, *Kirk*, and *Lanier* were lost\*. We know not who the King intends for General-Officers this year, 1693; and if, upon the List, you find any Foreigners that you approve not of, then is the time, when the King has determined it, to address him.

Sir *Thomas Clarges*.] We are told by the honourable Person, "That one Chief Governor of *Ireland* could not redress the disorder of the Army, because he had not the Command of the Army;" but [he should have] told you who commanded. I was of the Council in *Ireland*, in the Years 1662 and 1663. I know, though the Army for some time had not two Months Pay, there was no complaint; but there was a Contribution of Provision settled; things were quiet then, and the Lands were planted, and the loss equally distributed: But the reason of the disorder might happen from the Generals, who do not understand the nature of *Ireland*. You are told, "We can have no General *English* born, and therefore we must make use of Foreigners." I can name ten, who, if they were now in *France*, would be Marshals of *France* at this day. If they have served twenty or thirty years

\* Sir *Robert Douglas*, and Sir *John Lanier*, were killed in the Battle of *Steenkirk*.

in foreign Wars, I believe they are as fit as any Foreigners. 'Tis true, they are not Earls and Lords; they are private men. I have known Troopers, and Foot-Officers, risen up to be fit for Generals; many that have served in *Portugal* and *Tangier*. 'Tis impossible that the King could know this, if men about him will not inform him. 'Tis said, by Lord *Ranelagh*, "You have approved of them, and given them Money." I thought such a List, as he has named, sufficient to command 100,000 men—But if so many are cut off, I fear the King's expectation will not be answered with success, without *English* Officers; but if we are so unhappy as not to trust *English* Officers—'Tis impossible but, by the date of their Commissions, that *English* Officers should come to Preferment. Every private Soldier, and Officer, thinks he has an interest in the Laws and Religion. From this ingratitude to the Officers, you have lost the Discipline of the Army, because they are not commanded by those of their own Country—And then you shall not have that licence of free quarter. You had an Act within an hour of passing, against free quarter; I know not how it slipped, by what Counsel; but for quarters in private Houses, mens hearts begin to be alienated. I know not well when Subsistence began, for formerly the Army was paid every two months; but then a scheme was made, so much for the Army and Contingencies; and then nothing was added to the Establishment of the Army, but by the two Secretaries, the Council of War, and the Lord Treasurer; this was then, and the Secretaries of State did not offer a Commission, till established—To this day, there is no Establishment of the Army. Should Gentlemen take up the best advice of former times—But if the King is misguided by false lights, I know not where it will end. What is intended, is for the service of the King; but as for foreign Generals, I think it is for the King's service that *English* Forces be commanded by Natives.

Lord Colchester.\*] I find the business of Steenkirk sticks with some Gentlemen. The chief occasion of the ill success there was the wrong information given to the King of the ground we were to pass, which was so full of hedges and woods, that we could not draw up one body to sustain another; Horse and Foot were mingled. I saw the attack made by *Fagel*; *Dutch*, *English*, and all Nations: They beat the *French* from hedge to hedge, but their very weight of men bore us down.—The *French* came up to us, and *Auverquerque* came up, and behaved himself as well as any man in the World—He sent us two *Danish* regiments, and we retreated to the main body, and from thence to the main camp. Others can give you an account; but as for what Lord *Castleton* has said, it must be by hearsay; he was not there himself.

Col. *Earle.*] No man is of less sufficiency to speak than myself. I have had the honour to serve in three or four Parliaments, and have not troubled you. I was a Colonel of Foot in the Engagement at Steenkirk, where the ground was mistaken, and so we were forced to retreat. As to the Question, no man is more pleased than I for *English* Officers to command the *English* Army; but I do not think that three or four years service can make a General. I wish we had men fit; but before you have them, pray do not rid yourselves of all foreign Generals. I hope, when you come to the Question, you will not part with all the foreign Generals, before you can have some of your own to come in their places.

Col. *Godfrey.*] I find Gentlemen possessed with great Miscarriages, especially at the Engagement at Steenkirk—The difficulty was so great, that, if we had not succeeded, it might have been the loss of Flanders. Other Nations, as well as the King of *England's* sub-

\* Colonel of the third Troop of Horse-Guards, and son to the Earl *Rivers*, to which title he succeeded on his father's death, in 1694. In 1706, he was sent to command the

Army in Spain; in 1711, he was sent Ambassador to *Hanover*; and in 1712, was made Master of the Ordnance.

jects, and particularly the *Dutch* battalion, did behave themselves with great honour; but whether they came down early enough, [may be doubted]—The *French* poured so many dragoons on us, that there was no standing; so the prudentest way was to retreat. The King was ill-informed of the ground, and we could not bring our men into any manner of line. The foreign Generals are of great experience and bravery; but I can come thus far up to the Question, “That none but the King’s native subjects should command *Englishmen* for the future.”

Col. *Cornwall.*] When this attack was formed, General *Solmes* was there, with ten battalions, to sustain them. *Solmes* said, “That to send more men, was to slaughter more.” They received Orders from *Solmes*, which never came near them\*. Reduce the Question singly to *Solmes*; put it upon him. He is a man very haughty, and puts Officers under such hardships, that I am sure the service will be ill done as long as he is General of the Foot. He was made General at the King’s coming over; he was before Colonel of the Guards; and I move for *Talmash* to be General†.

Lord *Colchester.*] I think *Talmash* is fitter for it than *Solmes*; he is full as brave a man; but I was not posted so in the Engagement as to know what is said of *Solmes*.

Col. *Godfrey.*] I think there is not a better nor more deserving man than *Talmash*. Mr *Wroth* came to me in a great heat and anger—*Talmash* desired the King to send battalions. The King ordered Mr *Wroth* to go to Count *Solmes*, who said, “Tell Count *Solmes*, I will not go near him.”

\* Count *Solmes* bore the blame of the errors committed on this occasion. The *English* had been sometimes checked by him, as he was much disgusted with their heat and pride. So they charged all on him, who had some good qualities, but did not manage them in an obliging

manner. *Burnet.*

The King would not admit Count *Solmes* to his presence, for many months after. He was killed the year after, at the Battle of *Landen*.

† General *Talmash* was killed the year after at the attack of *Camaret Bay*, near *Brest*.

Sir *Thomas Clarges.*] I'll tell you the notice I have had of this. I was informed that the advanced party under the Duke of *Wirtemberg*, and General *Mackay*, made an attack at two o'clock, and possessed themselves of the enemy's guns, and drove them from hedge to hedge, and the Army was two miles off—If they had been sustained, what a glorious Victory might we have had! The Enemy flew before us—The Duke of *Ormond* got three or four battalions; but being met by a superior Officer, was asked, Whither he went? He said, “To sustain his friends:” But he was stopped.

Mr *Wharton.*] I shall collect, in a few words, what has been said—Though comparisons are odious, yet, in this case, they are necessary—*Talmash* is a better man than *Solmes*—Ask whether the *French* sutlers did not begin to plunder our Camp—The Question is, If Count *Solmes* did not sustain those men? The point is clear—The King having not yet named Officers, now is the proper time.

Mr Comptroller *Wharton.*] I will not trouble you in a thing I so little understand, as an Army. I am sorry for the comparison between *Solmes* and *Talmash*: I think only, that *Talmash* has served very well; and the longer you use him, the better you will like him. I wish you would lay the Question aside; but I would vindicate your Countrymen, and frame the Question something of this kind, “That, for the time to come, the King would be pleased to fill up the Offices of the Army, as they shall become vacant, with his own Subjects.”

Mr *Waller.*] This day's Debate ought to increase the good opinion of the King of his *English* Officers. I am for the Question moved by *Wharton*; but with this Addition: “Or such as have been naturalized.”

Mr *Smith.*] This will take off those who possess the King that he can do no service without Foreigners. I am not fond of a Favourite, because he will not lay his bottom in *England*, but retire from hence upon farther

farther occasion. By the true friendship I have for *Talmash*, I would not, under the notion of a service, do him an injury; but consider, you are putting out and putting in Officers for the King. Pray put the Question in the most decent manner, “That, for the future, the King would be pleased to employ no foreign General-Officers.”

Col. *Cornwall*.] You have all the Foot under *Dutch* General-Officers, and the Cannon too. I hope they will not play foul play; but, if they should, you have a scurvy business of it. Whether a General ought not to be stirring about in an attack, and whether the Soldiers were satisfied with *Solmes*, you may enquire, before you form your Address.

Sir *Thomas Clarges*.] I am afraid that, by this Debate, you are making General-Officers. You gave Thanks to the King, and approved of them all. I hope, when the State of the War is given in, you will not find so many General-Officers. I think this is only preparatory for the next year.

Sir *Christopher Musgrave*.] Several things have been propounded for laying aside the Question. The weightiest argument I hear is, “That it is not seasonable, because the State of the War is not before you;” but that is a reason against it, if the King takes his resolution before that come in. The King has desired you to advise him; can you do better, than in what is of so great concern as the Fleet and Army? It is said, “You have given Thanks to the King, and approved of them all;” but shall it be entailed always upon foreign Generals to continue them for ever? If we have Peace, to keep them, and discharge all the *English* General-Officers? You are told, “The King was mis-informed of the ground our men was engaged upon.” I would know, whether the General did view the ground, and not trust other men? If so, sure that was an unpardonable fault. If all that are in, shall be in, what is your Vote for? If you mean for the future, do you mean for this time? If not, then they

will be continued. Though I have a great honour for *Talmaſh*, and hope his service will be valued as it merits, yet pray explain plainly, if you mean all the General-Officers to continue, or from this time; else your Addrefs is nothing.

Sir *Edward Seymour.*] I would have all your Advice such as you may justify in another place. 'Tis to be passed conjunct by both Houſes. The King asks Advice of both Houſes; and pray let us take no Resolutions from hence, that we shall not be able to juf-  
tify to the Lords.

Sir *Edward Hussey.*] If that pafs for an Argument, "That what we do will not be acceptable to the Lords," then we may do nothing. When Gentlemen get preferment, I obſerve they are apt to be gagged, and abandon the interests of their Country. Let a brand be set on them, or him, whoeuer they are.

Mr *Hampden.*] I easily gueſſed, that you had gone far enough in a Debate that has occaſioned this heat (I know what a gagg is)—If my Poetry be as good as *Hussey's*, *Solmes* is nearly related to the King. For ſuch a Person to have a brand upon him! I move, That you would lay the Debate aside.

Sir *Edward Hussey.*] I desire to explain myſelf. I meant not *Hampden*; but if he be one that has abandoned his Country, then I mean him.

The Question was put, "That the King be advised, that no General-Officers, for the future, ſhall command *Englishmen*, but ſuch as are Natives of his Dominions."

Mr *Harley.*] I find, Gentlemen have ſhowed as much moideſty in the Houſe, as courage in the Army. I would make this diſtincſion in the Question, "That the *English* Foot may be commanded by *English* Generals."

Mr *Faley.*] 'Tis a great prejudice, that *English* Forces ſhould be commanded by foreign Officers—When the Law ſets ſome men at liberty by *Habeas Corpus*, that a foreign Officer ſhould ſet Guards upon them, has given great diſcontent in the Army. The King

King is not like to be well served thus. This summer there was a mighty great confusion in the *English Army*; Orders were given in *Dutch*, and *French*, to the *English*, who understood neither *Dutch* nor *French*. Our Officers are men of Estates; to subdue the Enemy, and not make a Trade of the War. There will be no end of the War, but pushing for it. If our men had been seconded last summer, there had been an end of the War, and no need of this Debate. The General-Officers were at Dinner, when they should have sustained our men, and other Officers with them; they have been the loss of the Victory this year. I would prevent them for the future.

*Lord Castleton.*] Orders were showed to Officers in *French*, and *Dutch*, who understood neither Language. I stand up for the Question. I am sure we had better have Natives than Foreigners for General-Officers.

*Sir Thomas Littleton.*] *Foley* has assured you, "That we might have had the Victory last summer"—The fault was in the General-Officers, not your Countrymen—But all he says, is from hearsay, and they are as much to blame that were at Dinner.—

*Col. Granville.*] Till the *French King* had *German* Troops and *Italian* Ministers, he never could enslave his Country. All commands in the Army for these four years have been in foreign hands—And the Descent in the *Frenchmens* hands.

*Sir Robert Rich.*] I was none of those that fawned on the *Dutch* when they came in, and nauseated them when they had done our work. *Talmaſh*, whom I honour much, has a fair rise, to come up from Colonel to Lieutenant-General—I hope the King will consider all we have said, and take order in it\*.

In a Grand Committee. *Sir Francis Winnington* in the Chair.

On that part of his Majesty's Speech, whereby he desires the Advice of this House †.

\* The above Debate is not mentioned in the Journal.

† This Report had been made the *Saturday* before.

The Report was read of Ships taken by the *French*, for want of Convoy.

Sir *Thomas Clarges*.] The King's Speech asks your Advice to take such measures for the common interest against *France*, &c. Our first consideration is to know the state and condition we are now in ; if we know not that, if we understand not that in some sort, we shall never be able to preserve ourselves, or support the War three years. At Sea we have been very unfortunate, since we were at War, whether by unskilful management or treachery. One year we were driven into our ports, though, as the Lords of the Admiralty represent it, we were strong. The *French* covered all our Seas, and we were surrounded, and we lost 1500 Ships. Three millions stock of the Nation was lost for want of guarding the Sea. How we are at Sea, we see to day by the Report—One of the Admiralty, *Priestman*, was named, how he should say, “ If we keep one Ship in three, it is enough for you.” The Robbers all over *England*, is a certain sign we are impoverished ; twenty in a Company. The last year, we had a Victory at Sea ; the King rejoiced at it, and so did we ; but we are unfortunate that those we have overcome, yet, notwithstanding this Victory, take 1500 of our Ships. The reasons why the Victory was not pursued do not satisfy me. You have heard of a Priest, who abused some *Englishmen*, demanded at St *Malo's*, &c. in a former Government \*. Why should not we preserve the strength and honour of the Nation as well as they ? By the method we have taken, I fear we have undone all our Allies. As an Island, naturally you should strengthen the Sea ; yet we send all our force into *Flanders*, where you draw all the strength of *France*, where he is irresistible. *Holland*, *Brandenbourg*, and the rest of the Confederates, had 90,000 men in the field, and could not save *Namur*, the Barrier for *Holland* ; and in the mean time we ruin *England*. 'Tis too memorable to be forgot, the ill success we had at *Steenkirk* ; and our Countrymen might have had a glorious Victory if

\* See p. 245.

they

they had been seconded. There is no diminution by ill success, but attempting things improbable ruins us. There must be some unskilfulness in Councils, and, in the King's absence, no advice but must come from the King first. The strength of the Nation is the Commonalty, and I doubt not but the King will take the Commons advice. I should be glad to hear some wiser than I speak their Judgments in this condition we are in, to advise something to relieve us.

*Captain Mordaunt.]* I know no Great Council of the Nation, but here and the Privy-Council, without a private Cabal. Most of those people that King *James* left behind him, are continued in places of trust and profit. I hope they will take care to chuse us better—Those Allies we have, must either come sooner into the field, or when they come there, do better. One advice that I desire you to give the King is, that the Army be better paid; though I mix my interest with your advice. It is hard that we should pay for our heads at home, and not be paid for venturing our lives abroad. We have but a foul prospect abroad, if not better sustained than we have been. 'Tis better for Foreigners to carry on a foreign War. I would have all those worthy foreign Generals returned, though to our great loss (*Jeering.*)

*Mr Wharton.]* When the King asks your Advice, it is because he sees great necessity for it. I doubt not but the King sees that private men, called a Cabal, have led him into some Errors, and calls for your Advice; which is the best thing he could do. The State of the Nation has been in a great measure opened—I would make the most of the Allies, and not the least, and I hope we shall stick to them, and they to us. To advise the King not to go abroad, is so tender a thing, that I would not advise it—if the Confederates are lost, I think we are lost with them, but you may hold out longer than they—The *English* want not bravery nor understanding, nor want Money, nor hearts to give, but the great fault is, the *English* are not led on by Officers of their own Nation; they follow them naturally, and trust them

more,

more, and Foreigners ought not to concern themselves so much. In the last Engagement, our men were not so led on as they should have been, and they reaped not the advantage of so much honour and bravery as they shewed. Really we must not deny ourselves; we grow less and less, and must not destroy ourselves and posterity. I honour those Gentlemen in Command, and I think they have done for the best; but it is reasonable that there should be an equal number in the Admiralty of Gentlemen bred at Sea; and I desire one part of the Advice may be, "That the Commissioners of the Admiralty may have an equal number mixed." For the Civil Government, the Council is the soul of all. You have had one Secretary of State, and it cannot be denied, but that is too great a load for one man. There have been always two, that one might be a curb to the other. The matter of Government lies there. The man in that Government ought to be very generous, because of getting secret intelligence; those managed by them, must be rewarded, and well chosen. This is of great weight, and if the Secretary be not ready to give something of his own to reward persons, besides the public allowance, intelligence will starve. The next quality in a Secretary of State is Courage and Bravery, so set and tempered for the Cause, that he is to hazard himself and fortune for that interest. In a difficult Government, and when there are great enemies to oppose, in such a Government, persons that are entrusted most, do some bold action for the Government—This makes it absolutely necessary to represent to the King, that he must have Secretaries with these qualifications. In intermissions of Parliament, Kings have consulted with their Privy Councils; formerly they went not into lesser Cabals—Under any other notion none can be distinguished—Suppose, not well-affected to the Government—There are no Books nor Records to be seen, and you cannot punish them because you have no light into their actions—I move, "That a part of your Advice be, that the King call his Council, and that they do set their hands to their

their advice, or their dissent." These are some of the chief Heads of your Advice, I believe, that you are upon. Then for the Lieutenancy, and particularly that of *London*—I hope no Gentleman will attribute what I have said to any thing of party. I would have but one distinction made; that is, who is for this Government, and who against it—Not to have this Lieutenancy totally altered, but there are so many ill men in it, and so unfit, that I doubt, if it should come to a push, you would be foiled. One thing also troubles me much. I think that unhappy division worth your notice. I mean that unhappy breach between the Princess and the Queen\*; she is presumptive Heir of the Crown—When things are gone so high, it becomes your care that no corner may be to have recourse to. I know that there are no fallings out among friends, but there are some mistakes; when found out, they are the easier brought together. Therefore my thoughts on this matter are, that you vote, "That it is the Judgment of this Committee that two or three be appointed to wait on the Queen to know the cause of this difference, and to receive an Answer from the Princess;" and I hope there may be some fruit of it. The King ventures his Person and Life—Consider, when he is abroad, you cannot have that success in the Government, in going and coming for Orders—Some Orders must be too late. The Queen has done all things, in the King's absence, like a prudent woman, and a good wife, but if she thinks fit to send for Orders

\* Upon the Earl of *Marlborough*'s disgrace, his Lady was forbid the Court. The Princess would not submit to this; she thought she ought to be allowed to keep what persons she pleased about herself. And when the Queen insisted on the thing, she retired from the Court. There were, no doubt, ill offices done on all hands, as there were some that pressed the Princess to submit to the Queen, as well as others who pressed the Queen to pass it over; but without effect. Both had engaged themselves before they had well reflected on the Con-

sequences of such a breach: and the matter went so far, that the Queen ordered, that no public honours should be showed the Princess, besides many other lesser matters; and the breach continued to the end of her life. The enemies of the Government tried what could be made of this, to create distractions among us; but the Princess gave no encouragement to them, so that this misunderstanding had no other effect, but that it gave enemies much ill-natured joy, and a secret spiteful diversion. *Burnet*.

from the King, when beyond sea, before any resolution be taken ; I hope for the future you will take care of it.

Mr *Harley.*] I cannot pretend to add to what has been said, but I hope there may be some fruit of it. 'Tis proper to proceed by steps regularly. I would first take into consideration the Sea, and what condition you are in there. The Sea must be our first care, or else we are all prisoners to our Island. We have had a glorious Victory at Sea ; though we have had the honour of it, your Enemy has had the profit, by taking our Merchant-Ships. *Edward III.*, had the greatest advantage in his invasion of *France*, by being master at Sea, where he had a glorious wound—The King tells you the danger—and we are a miserable Nation, if the sword be drawn amongst us—The pretence of a Descent into *France* has been a topic used to get Money from you. I am sorry to be told, that the Orders of it were not practicable ; if not, why were they given ? If practicable, why not followed ? I hope the King will not consult with Empericks, but will take the Advice of this House.

Mr *Waller.*] I move, That you would take one Head after another. The Motion was made to put the Admiralty into hands that may be trusted, of skill and fidelity.

Mr *Smith.*] I shall speak only to the Sea. No man but will allow that it has been ill managed. The Admiralty apply themselves to it as much as they are capable ; I wish their knowlege was as much as their fidelity ; but if they were ever so knowing, I fear they have no power. Orders are sent to the Fleet from time to time, and they have no knowlege of them : They give Commissions to the Admiral, and he is to have Instructions elsewhere. I would enquire how it should happen, that when a Descent was resolved by a Council of War to be impracticable, yet Orders were given to pursue it, and your Ships that were foul to lie by, and no Orders to clean them, and that those that were clean had

had no Orders to go out? You are informed of Salvage, for reward of re-taking Ships, detained, and the men forced to plunder Neutral Ships—The Salvage paid into the Admiralty. I move, That all Orders for the Fleet may be hereafter from the Admiralty, and persons employed in it proper for the employment.

*Sir Richard Onslow\*.*] I am improper to speak on this subject, being one of the Commissioners of the Admiralty. I have always observed, that Gentlemen are tender of the Honour of Gentlemen. I believe that, notwithstanding the Report that has been made, the Admiralty can justify themselves. All the complaint of the loss of 1500 Ships comes from the Insurers principally, and not from the Merchants. Pray proceed, Head by Head, on the Report, and let the Admiralty answer it.

*Col. Granville.*] I am obliged to give you an account of the Report. Since I am up, I will say something to your Question. 'Tis no wonder that of late we have been so unfortunate; since unsuccessfulness is the natural product of unskilfulness—The work is too great for the Commissioners of the Admiralty. We had the good fortune to beat the *French* Fleet, and how came that to be unsuccessful? The fault was not at Sea, it must be here; we were never more pestered with Privateers; their trust is too great for the Commissioners experience. 'Tis a great while since the Battle at Sea, and Sir *John Ashby* has not been examined any where about the prosecution of the Battle, but at your Bar, and he must, with all that guilt upon him, be still trusted. I have all respect for the Commissioners of the Admiralty, that they are very well intentioned for the Government, but I should be glad that trust was put into the hands of those that have experience. I believe they think not

\* Speaker of the House of Commons in 1698, and in the reign of King *George I*, one of the Lords of the Treasury, and Chancellor of the Exchequer. On resigning those Offices in 1715, he was made one

of the Tellers of the Exchequer during *Lite*. In 1716, he was created Lord *Onslow*, and died the year after. He was Grandfather to the present Lord, and Uncle to the late Speaker.

them-

themselves skilful Admirals; it seems the Government does not think so, for the Fleet must have such Orders as the Queen shall think fit. If they must not be trusted with Orders, I think them not fit for this great Affair.

*Lord Falkland.*] That which seems to be the Ground of the Question is, the Report made from the Committee. I may say that Report was too sudden, and there are material omissions in that Report. A great part of your losses proceeds from getting protections, and they get insurance, and so venture out, and are taken; this ought to have been maturely examined, when, where, and how lost. Unless you have Ships for cruising, let who will be Admirals, it will be the same thing still—There is experience required in a Chairman, as well as an Admiral.

*Col. Granville.*] I appeal to the Gentlemen of the Committee, if one third part of those Ships foundered at Sea, as is said? Alderman *Berry* said, "If he had time, he could make it appear that 3000 Ships have been lost."—*Priestman* said, "If one Ship in three escaped, they were gainers." But Sir *Robert Kitch* said, "He was of another Opinion."

*Mr Smith.*] I do acknowlege, Lord *Falkland* did tell you, the last Session, there were not Ships enough to cruise—But the *Dover* Frigate lay a fortnight without Orders for cruising.

*Sir Thomas Clarges.*] I never saw the like upon this occasion. You ordered a Report; that was made on *Saturday*—and now we spend all our time in arraigning that Report, and the House. I think it very extraordinary, after the Report has been received, for all the Committee to be arraigned, and to put you from your business. Advice is now your business. In all the public prints, there is not a week but you have news of losses at Sea of twenty, and thirty, and fifty Ships. This of Lord *Falkland* is but a little matter of the complaint. We are obliged to the *Hollanders* to set out fifty Ships and 17,000 men; if so, we have 13,000 men to supply

ply our Trade, and make Convoys. I was in hopes we had sufficient men to guard the Seas.

Sir *Edward Seymour.*] I did easily foresee that a Debate of so large a field would be a long one. I would be tender how I enter into the Debate of the insufficiency, or unskilfulness, of the Admiralty. As for the first, it cannot be attributed to an *Englishman*; for the latter, I am sorry it is so great, to the ruin of themselves, and the whole Nation. As for Alliances, if once you shake that part of Alliances, they can make Peace, and you not, when you want those Alliances, and the Ally against you that will be worse than the Alliances.—I agree, it is for the interest of *England*, and its security, to be found only in the Fleet; but this I agree, by the way, if you are at the charge of a Fleet only from *Spithead* to the *Land's end*, you will have a very ill account of the War. If you have no other ways to annoy the *French King*, but your Fleet, you will come short of expectations. Before you advance any Judgment, or Advice, know how these things come to pass—That the Admiralty is not trusted, is a mistake; they are as much trusted as ever any—The number of Ships was never in the Admiralty—The Question is, Whether there has been any neglect in securing of Trade? Then, they failed in their Duty, but if it cannot be prevented by them, they are not in fault; Merchants run away without Convoy, for Lucre, and fall into the hands of the Enemy, and they are gainers if one or two come safe home. Your losses have been as great in other Wars as this. I do affirm, that you have not Ships enough to maintain the War and Trade too. If there had been, there had been reason for your advice, but now the Commissioners have got experience, and at your cost have learned it, it would be strange to turn them out.

Sir *Thomas Clarges.*] I would not have the House misled. It is said, “you have no convenient Ports”—But at *Brest*, and *St Malo's*, they must have several winds to go in and out; and if we have no more Ships, we cannot help this. But you gave 1,700,000*l.* for the Ordnance and Fleet, which, considering what wear and tear you

you gave for Ships, would have built Ships for the service of your Trade. No aid formerly was given for Ships; the Customs ought to be for that. The first Money was not half spent for Ships, and till you appropriated it, it was not done. We never lost so many Ships in so short a time. To have such great losses, and we know not how, is very unfortunate. I think it reasonable, under such misfortunes, to change hands, not only in the Admiralty; but I would go through all. I think the charge of so great a Fleet, though very wise and gallant, too great for one man. The *French* King had some others joined with *Tourville*—In this extremity we catch at the first thing we light of.

Col. *Austen*.] Give me leave, my modesty safe, not to confess myself so ignorant in the Affairs of the Admiralty as some Gentlemen would have me. If I show there is no fault at all in the Admiralty, I take off all that has been said against them. Of what was alleged at the Committee; there was no proof, no names of Ships, no Places, &c. The Insurers have brought these losses upon you, by making the Ships ready to go without Convoys.

Sir *John Lowther*.] I fear there is something in the Question, that may give the House occasion to repent afterwards. 'Tis said, "Ships have been lost," and you have had reasons on one side, and another, why—You were told of want of Ships last Parliament—And the Office of Insurance have forty *per Cent.* if the Ship comes safe home, and if taken, twenty *per Cent.* and so the Merchant cares not if his Ship be taken. I hope some remedy may be provided for this.

Sir *Edward Seymour*.] This happens unluckily, that the only person of experience is the only person complained of; *Priestman*.

Sir *Thomas Clarges*.] This is to excuse *Priestman*, who should do it himself.

Mr *Finch*.] I have heard of complaints, and I wish things better managed; but when I give Judgment, I must see that these miscarriages be proved. As for the

the power of the Admiralty, I am not able to determine that matter, but to say their Commission does not authorise them, is no objection upon the persons. I can neither condemn nor justify the ability of the Gentlemen of the Admiralty. As for the Merchants, they are hasty to make their profit, and this, it is said, comes from the Insurance. The Ship that was retaken by seven men and a boy, when they came home, demanded their reward, and had it declared in the Admiralty; but the Owners were so far from allowing it, that they moved for a prohibition: It was wondered at; but being enquired into, the Merchants were sorry the Ship was retaken, and would have been much greater gainers by the Insurance, if the Ship had been lost.

Col. *Churchill.*] Some men are employed in the Fleet, not Seamen; as Capt. *Warren*, condemned for Cowardice, and in the *West Indies* he lost a Ship of 50 Guns—We have Brewers Clerks put in for Commanders by the Admiralty—

Sir *Robert Rich.*] If I had put a man into the Fleet in command, not a Seaman, I were not fit to sit in the Admiralty; but, as to what is said of taking men upon trust, I know not this Captain *Warren* condemned for Cowardice—I know not that he was a Brewer's Clerk, but he married a Brewer's Widow—He submitted to all the examination of the Admiralty—That he was an eminent Seaman, the Navy-board testified; but the hurt is not here: Till you bring the Fleet to better discipline, to prevent the Captains from taking Convoy-Money\*, the Fleet will never be in a better condition.

Col. *Churchill.*] Since *Rich* has mentioned taking Convoy-Money, I hope some will be punished for Mismanagement, as others have been for taking Convoy-Money.

Mr Attorney *Somers.*] As the Question is worded, I cannot come up to it. If the Question be, “to constitute Persons skilful in maritime affairs,” it must imply, that those that are in the employment of the Admiralty are not.

\* *Churchill* had been sent to the Tower for this Offence. See Vol. IX.  
p. 430—6.

Admiral *Russel.*] I am so sensible that I am not able to give advice in what is before you, that I shall not offer at any. That there is a loss of Merchant-ships, there is no doubt of; whether provision has been made to secure them, I shall not say. 'Tis impossible to have a Fleet and number of Ships to guard forty places. Possibly the Commissioners did not so well understand the business of the Admiralty as they do now; and as for what *Priestman* said of the Merchants Losses, I should have said it myself.

*Resolved,* That his Majesty be humbly advised to constitute Commissioners of the Admiralty, Persons of known experience in the Admiralty-Affairs\*.

[November 22, Omitted.]

Wednesday, November 23.

In a Grand Committee. On Advice to the King. Sir *Francis Winnington* in the Chair.

Mr *Foley.*] The Admiralty and Navy, points of the greatest concernment, we should have begun with. The King calls for your Advice, and we are in an unhappy condition. When we entered into the War, all agreed that the Enemy was very powerful, to enslave his neighbours, and had gone a good way in it; and that made the States of *Holland* entrust a *Stadholder* with Power. That which encouraged us to enter into the War was, that our neighbours were unanimous to suppress this Power: If all had been unanimous to attack him, in four years time we might have brought him to our terms. As to point of Trade, the *French* King has broken that stratagem. All, except ourselves, trade with him. We have had notice of this, and those ships that have been taken trading, have been discharged. What have your Allies done for you? Have not the *French* taken Towns in sight of them?—At Sea, the last year, and not to come at him! This year you had a Fight, and he at-

\* This Vote, being in the Committee, is not entered in the Journal.  
tacked

tacked you with half his Ships ; you beat him ; and what fruit had you of this Victory ? His Forts are strong, and there is no way but a Descent upon him in his own Country ; and how that has been managed you have heard reported. After all, the Allies can do nothing for you, and trade with the *French*. What I am most afraid of is, that, instead of a Descent upon him, he will threaten a Descent upon you. Whatever Fleet is at Sea, or Forces aboard, they will do you no good ; and the Sea, whatever Army you have there, must follow the fate of the Land ; and there must be something to encourage the *French* King to make a Descent. One is, the differences at home, and the methods by which we manage our business. We are unhappy to continue in Parties, without being upon one bottom. I hope we may find some way to secure ourselves. 'Tis said, "The Ministers serve you with the best of their skill." You are the best Judges of that ; but as to Treachery, no man is perfectly good, nor perfectly wicked. No man is so wicked as to bring in the *French* King ; but your Orders may be delayed, and Intelligence sent him. None doubts but that he is designing a Descent, and you are in the dark, and can judge of nothing but by the event : But the *French* King can take his measures ; he knows who are treacherous to you. The last year, you were like to have had a great loss by the *Smyrna* Fleet being ordered to come to *Ireland* \* ; but, I observe, the *French* Fleet never came to Sea till those Orders went out. They sent word, " that the *French* Fleet was laid up, and therefore ours must be so" — We kept out, and lost many — Though the Fleet, in pursuit, was not Wind-bound, it was Order-bound. I know not why they were not at liberty to pursue their Victory. From unavoidable Evidence, the hands you are in are not safe hands — That is, that the *French* King should draw so great an Army on his Coasts, and have Transport-ships ready for his men, and we should have no notice, and not half Forces enough left for our security ; I desire

\* See p. 162-3, *Note*.

you to consider, whether those who have suffered you to be so surprized, will not do it again. 'Tis strange, that we should not know the strength of the *French* Fleet, till we had fought them. We know that, from all parts of *England*, discontented persons flocked to *London*, with Arms and Horses seized, and not one man was discovered of the *Conspirators*. Though we had very few Forces left, yet there were great complaints of free-quarter, this summer, on Members of yours, and no man punished for invading of property. They seize shipping to a great value, and no one man has had satisfaction. Another thing I shall mention; men discharged from imprisonment in *Westminster-Hall*, and afterwards Guards put upon them. A great many instances might be given more, and I might fly higher to take off heads—But I move you to come to this Resolution, “ That the great Affairs of the Government, for the time past, have been unsuccessfully managed; and that the King be moved, for the future, to employ men of known integrity and fidelity.”

Sir *William Strickland.*] I cannot tell where it is we are wounded. I would not have the management in such hands for the future; but this cannot be while we have a Cabinet-Council.

Mr *Waller.*] “ Cabinet-Council” is not a word to be found in our Law-books. We knew it not before; we took it for a nick-name. Nothing can fall out more unhappily than to have a distinction made of the “ Cabinet” and “ Privy-Council.” It has had this effect in the Country, and must have; that, in the Country, the Justices of the Peace, and Deputy-Lieutenants, will be afraid to act: They will say, “ They cannot go on;” and why? Because several of them have been misrepresented, and are not willing to act; they know not who will stand by them; and are loth to make discoveries, unless seconded. If some of the Privy-Council must be trusted, and some not, to whom must any Gentleman apply? Must he ask, “ Who is a Cabinet-Counsellor?” This creates mistrust in the

the People. I am sure, these distinctions of some being more trusted than others, have given great dissatisfaction. This is what I have met with this Summer ; and therefore I second the Motion.

*Sir Richard Temple.]* All Governments reduce their Council to a few : *Holland* does ; and the *French* King to three.

*Mr Waller.]* We have reduced our Secretaries from two to one. The Question proposed was, “ That the King be advised, that all matters of State be advised on in the Privy-Council ; and that the management of them by a Cabal is dangerous.”

*Sir John Lowther.]* I would willingly sit down, if I did not think the Honour of the House, and our Safety, concerned in the Question. What will Foreigners say to this ? I have heard foreign Ministers say, “ That 'tis better for their Affairs in *England* than any where else, because once a year the Parliament sits ; and, without the charge of intelligence, they know all Affairs.” If you act by measures of no Country, nor your own, [what will ensue ?] Had you not a secret Committee in the Examination of Sir *Edmundbury Godfrey*'s Murder ? Of this Committee of Council I am one. I had rather be at home. Consider your own Honour, and do what you please.

*Mr Clarke.]* I doubt whether this Advice is practicable, in the way it is laid down. It appears who had the management chiefly in the Descent, and Transportation of it from *Ireland* to the *Thames*, and all for that great undertaking.

*Mr Waller.]* If the Government be betrayed, I doubt not but Gentlemen will be so bold as to declare the Persons that have done it. Impeachments have been in Parliament against Persons, for taking too much upon them. Two things plainly have been faulty ; Want of Intelligence, and Orders, to that which is our great safety, the Fleet. The unsuccessfulness of the Fleet, last year, came from uncertainty of Orders. We took our Orders in a *French* ship, before we had them

from our own\*. All has come from delay of Orders, as if our Descent should come to nothing. I am of this Opinion, that the unsuccessfulness of the Descent was for want of Intelligence from the Secretary, and those who issued out those Orders.

*Sir Christopher Musgrave.]* In due time, this may come before you. This Debate is not properly before you now; for, after it was reported, it was not referred to your consideration; but properly in its place it may come before you. I shall only observe, that, as the Question stands on your paper, nobody can give an Affirmative or a Negative to it.

*Mr Goodwin Wharton.]* Some, by the ill Advices they gave King *James*, were a means to change his Government; and the management of this Government makes me think the same thing is doing now. The day the King made his Speech, before he spoke it, there was a Speech went about, that did burlesque it, Head by Head. You were told, by *Foley*, "That he could not enumerate all,—for they were numerous." I know it well, that the *Gazette* of the 10th of *May* told us, "That the *French* were seen on our Coast, but they stood off for *France*." I did myself acquaint the Queen, on the 14th of *May*, "That the *French* were not gone out of the Channel." I believe the Cabinet-Council were called, and ordered the Fleet to sail. All was in confusion as to the Descent. The Enemy was upon you, before you knew of it. I saw a Messenger, at the Secretary's Office, fit grumbling with another Messenger, "That 'tis your turn to go, and I'll not go till I am paid for what I have done before." This being so, how can your affairs go on with vigour? Things are to be done by proper judges of them. In King *James* I's time, there was a Council of War in the *Palatinate* business, and a Council of War in the Isle of *Rhe* Descent. Is it credible that men, brought up to Books only, should understand Armies and Fleets? 'Tis impossible that they should conduct what they understand not. The method of this

\* See p. 181-3.

Cabinet is not the method nor the practice of *England*. As for private Councils, all Kings have their Favourites; and I wish the King had such a Secretary as *Mazarine*, to secure the interest of the Nation, and not himself. The method is this; things are concert-ed in the Cabinet, and then brought to the Council; such a thing resolved in the Cabinet, and brought and put upon them, for their Assent, without showing any of the Reasons. That has not been the method of *England*. I am credibly informed, that it has been complained of in Council, and not much backed there. If this method be, you will never know who gives advice. If you think it convenient, I shall be of your mind; but I think this method is not for the service of the Nation.

Mr *Foley*.] I would have every Counsellor set his hand to his Assent, or Dissent, to be distinguished.

*Resolved*, That it is the Opinion of this Committee, that, many of the great Affairs of the Government having been for the time past, unsuccessfully managed by those that have had the direction thereof, under their Majesties, their Majesties be humbly addressed to prevent the like mischief for the future, by employing men of known integrity and ability \*.

[*November 24*, Omitted.]

*Friday, November 25.*

[*Lord Falkland*, by his Majesty's Command, presented to the House an Estimate of the Navy, for the year 1693, amounting to 33,010 men, and 2,077,216*l.* 10*s.* Charge. And the Earl of *Ranelagh* delivered a List of the Land-Forces, amounting to 8,130 Horse, 2,480 Dragoons, and 43,592 Foot; in all 54,562 men; and their annual Pay to 1,448,732*l.* 6*s.* 7*d.*] *Debate.*

Sir *Christopher Musgrave*.] I find the numbers of Men, and Charges, infinitely increased since the last year †. I think it not fit that Copies should go to Coffee-

\* This being in the Committee, 2,598 men; and yet the Charge was less by 41,097*l.* 7*s.* 5*d.* by reason is not mentioned in the Journal.

† The above List exceeded the that the *Danes* and *Dutch*, in the List given in the former Session, by former List, were all computed at

Coffee-houses (as is said;) but let us go immediately into a Committee, to consider of it. 'Tis not possible for Country-Gentlemen to give an Opinion till they have considered: Pray let us have them lie upon the Table, to understand them by short Notes, and that we may have liberty to have recourse to the Papers, to consider of them.

Mr *Montagu.*] I understand not why the Papers should lie upon the Table till *Tuesday*: You will not have opportunity to redress the inconvenience that so long a day will produce; you cannot be better informed than you are; therefore let the Committee sit to-day.

Lord *Eland.*] If we must give as much Money as we gave the last year, I hope Gentlemen will not take it ill that we proceed in the same steps.

Col. *Cornwall.*] Here are Troops put into the Estimate that were not last year in the World; therefore I move for *Tuesday*.

Earl of *Ranelagh.*] That an Imposition may not be made upon the House, I must tell you, it is the Estimate the King thinks fit for the next year. The King intends to augment Lord *Oxford's* regiment, by adding more Troops and more Men.

Mr *Palms.*] The Question you are going to put is, to go on with the Supply; and on *Tuesday* to consider the Papers—But 'till we are well informed of the Estimate in the Papers, we cannot go on with the Supply. I believe every Gentleman is hasty to go on with the Supply. I remember that, the last Session, a great Sum more came upon us after the Estimate was given in; therefore I move for *Tuesday*, &c.

Mr *Foley.*] It could not be expected that the State of the War, brought in but just now, could be considered so soon. The Sum is greater than ever was

*English Pay*; but in this List, the *giments of Dutch Foot*, were *com-*  
*three regiments of Danish Horse*, *puted at Dutch Pay*. *See the Jour-*  
*nine of Dutch Horse*, *seven batta-*  
*lions of Danish Foot*, *and three re-*  
*giments of Dutch Foot*, *were com-*  
*puted at Dutch Pay*. *See the Jour-*  
*nal.*

asked

asked in this House. You ought to allow Gentlemen time to recollect what Debates were last year, to make just exceptions against what is demanded; it will expedite your business the better.

*Sir Christopher Musgrave.]* Are we reduced to such a condition, that two or three days time for consideration will ruin the Nation? Why were not these Papers brought in sooner? Is it possible that we can be informed now? Would a man do this in his own private affairs?

*Sir Stephen Fox.]* We have nothing to live on in the Treasury, but the borrowing Clause. We cannot borrow 1000*l.* more. We expected 200,000*l.* from the Chamber of *London*, and we have not received 60,000*l.* We have not subsistence for the Army, not for one day more; and, for the Army, it requires the utmost expedition. When the House will make some cheerful Vote, we may for some weeks more go on. This day may go a great way towards the Navy.

[The consideration of the Estimate and List was referred to a Grand Committee.]

*Saturday, November 26.*

On Colonel *Churchill's* Complaint of Breach of Privilege.

*Colonel Churchill.]* I received a Summons to attend the Board of Admiralty last night. When I was called in, the Lords examined me of what I said here, "That some Persons in the Fleet were Cowards\*." I know not that I am to answer any where, for what I say here, but to the House. One of these Members said, "He wondered I should trifle with them; they had power to give me an Oath." I said, "I would not take it, till I had the direction of the House;" and desired a Member then present to take notice of it.

*Colonel Austen.]* I was desired by your Member to take notice, &c. I will tell you what it was. When *Churchill* appeared at the Admiralty, it was asked,

\* See p. 273.

on behalf of one *Bremstead*, “Whether he knew he was a Coward?” He said, “He would not give an account out of the House, for what he had said in the House.” But the Question was, “Whether he had not said it in other places?” It was said, “It was in the power of the Board to give him an Oath;” but it was not insisted on at the Board. The case was this: The King was petitioned for a man’s life, condemned to be shot to death for a Coward. It was referred by the King to the Board. The end of enquiring of *Churchill* was, whether this man was fit to be pardoned; but there was not any Question, as to what was said here.

Colonel *Churchill*.] I think that Question was pressed upon Oath—And that Question was asked me, after I had refused, and I would not take an Oath, till I had the direction of the House.

Sir *Edward Seymour*.] I hardly understand the Accusation. They desire to know the reason, why, for their information, he accused this man for being a Coward. I am as tender of Privilege as any man, but I do not take this as a design to subvert your Privilege.

Mr *Foley*.] As this is complained of, ’tis a great Breach of the Privilege of the House. Many Members are Officers, and if they must be called to account in another place, for what is done here, there is an end of Privilege. They ask him of what was said in this House, and when he spoke of the Privilege of the House, they told him of tendering an Oath, and afterwards told him, he spoke it in another place; but not till he spoke of the Privilege of the House.

Mr *Hampden*.] I do not see that your Member was questioned for what he said in the House; but here was a Person condemned for a Coward, and application was made to the King for mercy to be showed him, and they would inform themselves of the man. Evidence is desired from the greatest man of the Kingdom, if it fall out to be a Member—I do not see how

Priva-

Privilege is concerned at all. I do not understand how this is a Breach of Privilege. Here is no *Subpæna*, but desire of Appearance.

*Sir Christopher Musgrave.]* I speak to the method of proceeding. You have had an Information from your Member; I suppose it is upon your Paper; pray read it, and when it is stated, every Gentleman may apply himself to it.

*Colonel Churchill.]* I take it, I was examined as a Member of Parliament. I said, "I was not obliged to answer, being words spoken in the House of Commons, without their leave." *Sir John Lowther* told me, "They had power to give me an Oath, if I trifled with them;" but I would not answer without leave of the House.

*Sir John Lowther, a Commissioner of the Admiralty.]* The matter of fact, and the words, are entirely denied. There was not a word of the House of Commons, but of words said without doors; and he was not interrogated to any thing said in the House.

*Mr Goodwin Wharton.]* The matter is stated truly and rightly. As the Information is made, the next thing is to consider, whether it be a Breach of Privilege; which you cannot do till the Parties withdraw. If they had sent for him, a Commander in the Fleet, either for matters said in or out of the House, they could not, without leave of the House. This concerns the Privilege of the House, and Liberty of Speech.

*Lord Falkland.]* Here is a Complaint; and, if you can, have indifferent persons to inform you the right state of the thing.

*Sir Christopher Musgrave.]* I think, no man ought to be interrogated of matters said in this House. 'Tis said, the matter is not agreed. You having it upon your Paper, can tell how far the matter is not agreed.

*Sir John Lowther.]* If the words be admitted, whether shall this Privilege extend? Here is no suit, nor answering without doors what has been said within; where

where is the hurt of all this? 'Tis only to be informed of a Person.

Mr *Clarke.*] I hear some call for the Order of the Day, but I think this matter is not to be so dismissed. I will conclude all to be true, if the objections are not answered.

Col. *Churchill.*] I do declare, that, if the House please to pass it by, I do.

Col. *Austen.*] From the beginning, I told him, "He was not sent for, for words said in the House." I do not say the word "trifling" was not said, but I must affirm I heard nothing of it; he will do me that right. I was a by-stander, and said nothing.

Col. *Churchill.*] The telling of the man's life condemned, &c. was the latter end of the Discourse, not the beginning. Till after my refusal of the Oath, they spoke nothing; I said "I would have nothing to do with the blood of the man."

Sir *Robert Rich.*] We had no scruple to ask him what was said out of the House. 'Tis true, he said the words in the House, but having said the words out of the House, we thought we might interrogate him of them. We have traced the Office, and out of the Office, and can find nothing of him. There was hardly any Ship had more men killed and wounded in it than his Ship; but if it could be proved that he was a Coward, he must die; and I hope the House will permit us to search into this, to inform the King of it.

Sir *Christopher Musgrave.*] I think you should declare, "That no Member be examined for what he has said here." Neither must it go for doctrine that a man may declare without doors what has been said here, and the intention of the thing must not alter the thing.

Col. *Titus.*] Do you think that this is a new Privilege? This is calling that in question, that was ever out of question.

The Speaker.] It had been a civil thing, and a reasonable thing, for the Admiralty to have told *Churchill*,

"They

“ They had no intent to interrogate him as to any thing said in the House.”

This matter passed over without any Vote\*.

[November 26, Omitted.]

*Monday, November 28.*

In a Grand Committee. On the Bill for regulating Tryals in cases of Treason.

Sir *Thomas Clarges.*] This is a necessary Bill for preservation of the Government, and the King's Person. The hardships the Nation endured in constructive Treason was one of the greatest motives and inducements to the late change; and, amongst other things, the regulation of Tryals for Treason was one of the Heads presented to the King to be redressed. At *Henry IV*'s coming to the Crown, there was a Revolution as strange and extraordinay as this. The first he made was reducing the Tryals for Treason to the 25th of *Edward III*. Why? To let the people see, they were secure in their Lives and Estates. Since the King came to the Government, it has been set out in several Acts how Judgment of Treason was perverted. Our public faith to the Nation was engaged in such a Bill as this. That is the way to reconcile all People. This is only as much as to say; corruptions were in the Judges, and you will not remedy that: Before the 25th of *Edward III*, Common-Law Treasons were so numerous, that nobody could tell what to do; and that of the 25th of *Edward III* was made, because there were so many constructions then, and now so lately—I know not how much wiser we are now than we were the last Session, when this passed here, and the Lords put a clog upon it. This is the means to quiet mens spirits.

Sir *Edward Hussey.*] To fill up the Blank, “ That the Bill shall not commence till the end of the *French War*,” is, nobody knows when. We have heard lately

\* This Debate is not mentioned in the Journal.

of a Plot †, but whether a Plot, or no Plot, we know not. I would fill up the Blank, “ for the Bill to commence in *January 1693, or 1694.*” If by that time the Government be not settled, it will not be at all.

Sir *Henry Goodrick.*] I have heard it said, and without contradiction, “ That King *James*’s friends are plotting”—If this King had not extraordinarily stopped his hands, he had made many examples—No doubt there was a Plot; many Horse-Officers came to town—Your safety is already shaken, and I hope you will consider the King’s safety so far as not to let this Bill commence before the end of the *French* War.

Mr Sollicitor *Trevor.*] I offer, that the filling up of the Blank may be, “ From the end of the *French* War;” and what moves me to it is, that from thence the danger of the Government proceeds; and to prevent the great danger, and not go upon an imaginary danger. Whether is the greater danger, from your Enemies, or an imaginary one of injustice from *Westminster-Hall*? ’Tis said by *Clarges*, “ He wonders we are grown wiser this Session than the last”—Nobody thinks the *French* made that attempt, but from encouragement here. I hope, by what we have learned since last Session, we shall be more considerate now. The danger from *Westminster-Hall* is, when Parliaments are not frequent; it is impossible, in these circumstances of War we are in, that Parliaments should not meet. This is enough to satisfy me, that the danger is not from hence; and I move, “ That this Bill may commence from the time the *French* War shall be ended.”

Mr *Harley*] I suppose it out of doubt, that we are in danger of our Enemies; will putting off this Bill secure you? The best way to secure the Government is to set men at ease. Possibly the King, in his Speech, may have particularly pointed out this Bill, because the only public Bill that slipped the last Session. I join in the Motion, “ That it commence in *January* next.”

\* See p. 288. Note.

*Mr Finch.]* You have been moved to fill up the Blank “ To commence from and after the expiration of the French War.” When I consider the Motion, I admire: ‘Tis a good reason, why the Bill should never take place. We are told of Plots and Conspiracies, and that the Bill should not pass now, because of them. The meaning of that must be supposed, that it is very difficult to bring a guilty man to punishment. If so, I would not have the Bill commence after the War, but never. Therefore, I cannot but wonder, that, because of Plots, the Bill should not commence till after the War, therefore pray let it never commence at all! But this begs the Question, Whether this Bill brings difficulty upon the Government? Consider, it has once passed the House, been examined, and laid open, and then it was thought requisite. But you are told, “ There is no danger of misconstruction of Treason whilst Parliaments are sitting, and so they will be during the War.” I have heard in this House of misconstruction of Treason, judged by the very present Judges. If such misconstructions have been, they are very ancient, and still used. The matter of this Bill provides no more, than that an innocent man may have opportunity to make his innocence appear. How often has it been said, that denial of a Copy of the Indictment to the prisoner is against Law, and Records shewed to verify that? All the Judges before denied copies of Indictments; so they do still. That was one thing laid as a hardship upon criminal proceedings before. Is this a hindrance of Justice? I do solemnly protest, that, if any man will show that one part of the Bill acquits a guilty man, I will be against that part, but till then I must not take it for granted, that it is a Bill to cover Criminals. Therefore I concur with the Motion “ To commence January 25.”

*Sir Christopher Musgrave.]* As this Clause is arraigned, I think every man should declare it not to be a protection to guilty men. In the beginning of the Convention, this was thought necessary; but now 'tis thought to hinder bringing Criminals to Justice. You are told by the

the Sollicitor-General, “ There are no apprehensions of the Judges, because of the frequency of Parliaments.” But if the matter desired be reasonable, we ought to keep it out of the power of the Judges—I have known Judges make Juries go out three times upon *Ignoramus*. We find very forward Witnesses of late; one now in *Newgate*, Parson *Young* \*, who accused the Bishop of *Rochester* of Treason: Is it not prudent to prevent such practices? If he had succeeded, the Persons must have died. I cannot imagine why the Government should be weakened, because a Copy of the Indictment must be given the prisoners. At the free Conference, the last Session, I heard a great man say, “ This Bill was not a new Law, but a declarative Law, and not enacting a new Law.” Why should we not rectify that which the Judges say is no Law? Therefore I move, “ That this may commence *January the 25th next.*”

Sir *John Lowther.*] It has been said, “ That a great many have been committed for Treason, and not prosecuted.” For that very reason, I am against that part of the Bill—They are not only Enemies, by their own confession, and we cannot prosecute them now, and yet

\* This *Robert Young* being committed to *Newgate*, till he discharged a Fine imposed upon him, one *Pearson*, a prisoner in the same place for debt, perceiving *Young* to be very expert in counterfeiting hands, told him, “ That if he could contrive a Plot and farther it upon the Earls of *Marlborough* and *Salisbury*, Dr *Thomas Sprat*, Bishop of *Rochester*, and some others, he might soon have Money enough to pay his Fine.” *Young* gladly accepted the proposal, but told *Pearson*, “ That nothing could be done in that matter, till he was released;” which, in a short time, was effected by a certain Stratagem. *Young* happened to procure the Earl of *Marlborough*’s hand, which he counterfeited so exactly, that it was very difficult to distinguish the true from the false. Afterwards he drew up an Association, and affixed to it the hands of the Earls of *Marl-*

*borough* and *Salisbury*, as also Sir *Basil Firebrace*, the Bishop of *Rochester*, and Lord *Cornbury*’s, which two last were written by another hand. One *Blackhead* went three times to the Bishop of *Rochester*’s house at *Bromley* in *Kent*, with a fictitious errand from a supposed Dr of Divinity, but with no other intention than to convey the forged Association into a secret place, where it was afterwards found by the King’s Messenger, who, upon information given by *Young* against that Prelate, came first to secure his Person, and then to search his House. His Lordship was for some days under confinement; but, upon a strict examination of the whole matter before the Council, and the confronting of *Blackhead* with *Young*, the Forgery was evidently discovered, and his Lordship’s innocence made manifest.

*Tindal’s continuation of Rapin.*

we must have this Bill to make prosecution more difficult. Were you a settled Government, this Bill would be more proper than now. If they think this Bill will be a protection, though but imaginary, and not real, it will be an encouragement to designs against the Government. There may be a reason for this Bill, but now this looks like lessening the Prerogative, as is said, but properly it lessens your strength of Government. If Liberty go beyond its bounds, 'tis no more so, but Licence. As the Law now stands, it cannot touch such offenders, therefore I would not weaken it more by this Bill.

*Sir Thomas Clarges.*] This Bill must be passed, in the result, by the King, and nobody else. I am afraid the King is informed that this Bill is prejudicial to his security; but it was the Advice of the last Parliament, that, for the security of the King, such a Bill was necessary; and as the Law stands now, Witnesses for the Prisoners are on their Words, and not their Oaths; this Bill is, that they should not extravagantly say what they will. I think this Bill therefore is for the King's safety.

*Mr Comptroller Wharton.*] I am one of those that have always been for such a Bill, and shall ever be. I cannot think people too easy upon their Tryals. I am of opinion that those Gentlemen would not alter the Law during the War, nor the practice of it. There are such jealousies and such cases, that I fear it impossible to answer, when people own not the Government; and one is, that the King has no right to the Crown, and therefore we cannot alter the Law: But unless something be done to this purpose, when our eyes are open, and in a little more security—not to commence till the end of the War; then you may have this Law to Posterity. We shall have Peace, or else not be a Nation. Let it be as easy to hang a great man, as it was to hang Lord Russel. I would pass the Bill for Posterity, and fill up the blank, "Not to commence till the end of the War."

*Col. Granville.*] I shall never countenance any thing against the Government. I came into the change as early as any body to the Government, and will be the last

that shall go out of it. I wonder that Gentlemen of the Privy-Council should complain of men riding armed, and that they are not laid by the heels ; but to tell you, that such a Bill should pass, and no certain time limited when it should commence, is a contradiction. But the best time to have this Bill, is when we can get it. Now we have a good Prince on the Throne, and no more seasonable time than now. The Judges tell you, "One Witness, with Circumstances, is sufficient to convict a man of Treason ;" but to let men come out of prison, after having been long detained, and nothing against them ; and since there have been practices of forging hands, as in the Bishop of Rochester's case, it is very seasonable to have such a Bill.

*Sir John Lowther.]* Without a special Commission of *Oyer and Terminer*, it is impossible to bring these men to Tryal.

*Mr Finch.]* You have been told who are for and who against this Bill without doors ; those I would regard. 'Tis said, " Those who have not taken the Oaths to the Government, are for this Bill." I did, and am for it. The objection against it is ; " Make not prosecution of Treason more difficult now, than in former reigns." A great man was named : (I can easily guess why) Was that great man prosecuted illegally, and therefore pray continue it so ? These very Judges have resolved the same point of Law. That which makes truth appear, (which is the design of this Bill) makes it impossible that a guilty man should escape. I find eyes were upon me, when the things were stirred, urging a point of Law, in Lord *Delamere's* Tryal, " That one Witness with Circumstances, and violent Circumstances, was sufficient." I say so now—If there be any fault in it, it is what all Nations concur in. 'Tis said " that men ride armed, and declare the King has no right to the Crown, and are for King *James*"—I attended the answer, and it was said, " There was no good proof"—If proof, why are not these men punished ? 'Tis said, " That men can point out, who are for, and who against the Government."

*'Tis*

‘Tis a hard circumstance for men to be pointed out, to be slandered by the Eye, and to expose them to the fury of the Rabble. If Circumstances be strong against a man, he ought to be brought to Tryal. The Judges have judged, “That one Witness, with pregnant Circumstances, is proof against a man;” and they having so judged, it is time for the Parliament to declare what are pregnant Circumstances. I think this is no hardship upon the Government, and therefore I am for it. I think no *Englishman* can be safe, if the King be not safe upon the Throne; and the establishment of him there is the security of every *Englishman*, and this Bill does do it, and it is no hardship upon the Government—only without it it is impossible for an innocent man to make his innocence appear.

Mr Comptroller *Wharton*] I think that the Privy-Council are not in fault—I have an ill opinion of some, but no proof against them.

[The Report was ordered to be made on *Thursday*.]

*At the Debates which follow the Compiler was not present, but they were sent him down by Friends into the Country.*

In a Letter from Mr *Wilmot*, [the other Member for *Derby*,] dated *December 20* \*.

This is to acquaint you, that the Lords this day desired a Conference, when they delivered over to us an abstract of all Letters and Orders betwixt the Queen and Lord *Nottingham* to Admiral *Ruffel*, and those from him to them, the abbreviation made by the Lords, but the Letters, or Copies, to justify and vouch the same, were also delivered. The abbreviation was made, Mr *Ruffel* taking Notes all the while, after which he answered, and explained all things very well, in my Judgment, and would have been so, I believe, in yours. Indeed resolved enemies could not but acquit him, as hereafter followed. I was near, and attentive, and did not find any more considerable than what was in the Papers delivered to us by Mr *Ruffel* himself. The abbreviation only was read, and not the vouchers at large, but Mr *Ruffel*’s friends thought the House was ripe for Judgment by the abbreviation being read first.

\* The House sat the intermediate days, and it appears by the Journal, that Mr *Anchitell Grey* had leave to go into the Country for the recovery of his health, December 16.

Mr Comptroller *Wharton* made some speech in commendation of the Admiral and his services, but more large in reflection on Lord *Nottingham*, and concluded with a Motion “ to address the King to remove him.” This was seconded by a Motion only from Sir *John Morton*. Then

Mr *Smith*.] The Admiral having been thanked by the House for his services, and having been reflected on, or endeavoured to be so, in the House of Lords, and all the papers transmitted to us, my Motion is, “ That it is for the purpose, to have our Judgments thereon, and that we should declare, that he has, in the last summer’s expedition at Sea, behaved himself with Courage, Conduct, and Fidelity.” This was seconded by

Mr *Palmes*, Sir *Robert Howard*, and Mr Sollicitor-General *Trevor*.

Sir *John Lowther*.] I acknowlege as much the service of the Admiral as any, and profess myself ready to join in any Vote, either to be clear or grateful to the Admiral, but withall, I can no way yield to the Motion of the Comptroller; for, of my knowlege, no man, with greater zeal, pains, or fidelity, I believe, can serve the Government than Lord *Nottingham*. I move therefore, “ Not to be jealous of one another, but to let the papers lie upon the Table.”

But he was not seconded therein. Many spoke to the Motion of Mr *Smith*, and more against it; till the Question being about to be put,

Sir *Christopher Musgrave* said,] It is improper yet to make any Judgment, the vouchers not being read.

This was seconded by Mr *Bickerstaffe*, Mr *Peregrine Bertie*, and Mr *Dalton*, and, I think, none else. At last the Question moved by *Smith* being put, passed *Nem con.* not much against the grain. I should have told you, that Mr *Finch*, with all respect and acknowlegement first paid to the Admiral, reflected what he could, in his fine way, upon him; but it was the Letters of Mr *Russel* that made reflection upon him, if any were; and in answer to the Sollicitor’s Speech, who said, “ He was by fly insinuation reflected on,” concluded with *Musgrave*’s Motion. After the Question carried *Nem. con.* Mr *Russel* stood up, and said,

“ I am happy in having such a Judge and Jury as the House of Commons, and will never desire any other, but will thereto submit all my actions.”

Afterwards said, “ It has been very difficult and uneasy to me to serve in these two Summers Expeditions, where, besides the great charge of my Place, I was obliged not to tread awry, for fear of the Ministers, which was to me a great Discouragement, and would

would be to any man who shall command in my Post, which I expected not to do."

He then reflected more on the Earl of *Nottingham*; full enough. But the House took no farther notice at this time; but the Order was "To make Report of the first Conference."

[And it was *Resolved*, "That Admiral *Russel*, in his Command of the Fleet during the last Summer's Expedition, has behaved himself with Fidelity, Courage, and Conduct. This Vote was ordered to be delivered to the Lords at a Conference.

*Tuesday, January 3.*

The Lords Protest upon throwing out Sir *Edward Hufsey's* Bill for incapacitating Members to take Offices, or Places, during the time of Parliament. For these reasons, *viz.*

"Because the principal Objection made to this Bill was the great Danger that might happen thereby, of the too long continuing the Parliament, which is an ill consequence that we no way can apprehend, since we hope, and humbly conceive, his Majesty will never be capable of taking any advice of that kind, so plainly destructive to the subject's just Right of Election to frequent Parliament, and so many ways inconsistent with the good of the Nation.

"Because we are very sensible of the just occasion given for such an Act, (though we are loth to enlarge upon so tender a point,) but have good reason to believe the House of Commons would not have begun and passed a Bill of this nature, wherein the Members of their House are so particularly concerned, without having been fully satisfied in the reasons of it, and plainly convinced of the great need the people of *England* are in, at this time, of so just and wise a provision."

The Lords present, and Proxies, were forty-five for the Bill, and against it forty-seven.

*Wednesday, January 4.*

Col. *Granville* reports, That the Managers had met the Lords, at a free Conference, and that it was opened by the Earl of *Rochester*, who said, "That the free Conference was desired by the Lords, for the maintaining of a fair and good Correspondence betwixt both Houses; and that Conferences, and free Conferences, had always been the usual method of proceeding in Parliament, when the one House had a mind to enquire into any thing they would be informed of by the other House: That, when the Lords sent down to the Commons the Papers relating to the last Summer's Expedition at Sea, it was with an expectation to

have some light in that matter from the information the Commons might receive from some of their own Members; which expectation of the Lords has not been answered by the Vote of the Commons delivered to the Lords at the last Conference.

“ That it was a very unusual proceeding, because it was concerning a matter of fact only, without having given any reason to the Lords, which moved the Commons to make that Vote; and because many other things were contained in the same Papers, which might concern several others, besides the Person named in the Vote.” (Admiral *Russel*.)

That the Managers for this House only returned answer, “ That they had agreed to the free Conference, that nothing might be wanting in them, that might contribute towards a fair and good correspondence with their Lordships; and that they had not a power to proceed to debate the matter, till they had acquainted this House with what their Lordships had said.”

[January 5, 6, 7, and 9 Omitted.]

Wednesday, January 10.

Debate on Advice to the King; sent to the Compiler by Mr *Wilmot*.

[Sir *Francis Winnington* reported the several Resolutions agreed to by the Committee.]

Report of the Advice to the King

To the first Resolve, *viz.* “ That the King be advised to constitute an Admiralty of persons of known experience in Maratime Affairs, &c.”

Many spoke in behalf of the present Admiralty, and many against it. For it,

Sir *John Lowther* said] The *Hollanders*, in whom there is no want of diligence, &c. have lost as many Ships as we, even whole Fleets of Merchants, and their Convoys, taken at once; and yet nothing is objected against their Admiralty. The Commissioners had no opportunity to clear themselves, being only generally charged.

Sir *Robert Cotton*] The miscarriage of our Merchants was, that having insured, they ran for Markets, and saved themselves well enough in the whole, though often they miscarried; and they might often have had Convoys, but would not stay for the above-mentioned reason. There is not a sufficient number of proper cruising Ships for Convoys. The Vote passed in the Committee without other faults mentioned, and the Gentlemen of the Admiralty are of great Integrity.

Mr

*Mr Howe.*] I think the fault not in the Admiralty-Board, and therefore it is improper for a hurt in the Leg, to lay a plaster to the Arm. Now they have gained experience at our cost, I would not lose their service, for some of them have had good experience. I am for a particular Vote to be put on each of them.

*Sir Thomas Littleton.*] I am of opinion that fidelity and diligence (allowed by all that speak against them) will master any difficulty in this, or any other Office. *Oliver Cromwell*, when applied to by any person, to be employed in any Office, by several, by their respective friends, used to say, "Who will give me his hand, and say that he will engage that the person to be employed, shall be faithful to me and my Government?" I think those Gentlemen such, for my part, to the Government.

*Sir John Guise.*] Never Fleet was set out earlier, nor better provided, than ours the last year. In the former Session, the Gentlemen of the Admiralty moved to have some cruising Frigates built, to secure the Trade, but the House, for want of some formality, denied their desire.

*Sir John Dorrell.*] No fault was found in the Admiralty, when *Lord Torrington* was beaten, and faults there really were; but now our affairs have prospered, we find fault.

#### Against the Admiralty.

*Sir John Guise.*] I have nothing to object against their integrity, but the advice which came from the Committee mentioned, "That they should be of experience."

*Col. Granville.*] I must lay before the House the great loss of Ships on the Coast of *Cornwall*, last year. Forty sail were lost on that Coast, and not one Cruiser there for us. Our Ships were taken in sight of the Shore, and no Colours seen on the Coast, but those of the Enemies.

*Sir Christopher Musgrave*, in answer to *Sir Thomas Littleton.*] I cannot agree "That Industry and Fidelity are qualifications for any Employment," particularly not for this of the Admiralty. Some, in their behalf, said, "They had not the sole power and ordering of the Fleet;" but I say, they have the same power that the Admiralty ever had, and they do not exercise what they have, but order Petitions to go to the Secretary's Office. I am for advising the King, as thought well of in the Committee, for such advice will injure no man of experience.

*Col. Churchill.*] Those that serve in the Fleet see daily their want of experience, and the great Ships stay out too long, and the lesser, for cruising, set not out early enough. When the great Ships did come in, the Havens were filled before with the

*Virginia Fleet*, and others ; which Havens were the proper ones for the great Ships. The Admiralty have broken the public faith of the Nation, not observing the King's Proclamation, which promised that Seamen should not be turned over ; yet they are.

Lord *Falkland* spoke very handsomely ; making use of much that was said by others in behalf of the Admiralty : But, as to what *Churchill* said, he answered,] Some of the great Ships did come in early, and *Churchill's* Ship for one ; the rest were ordered, by the Queen and Council, to stay out. As for turning over Seamen, some came in so very early, that they would have lain at great charge ; and therefore another Proclamation was issued out for turning them over.

Colonel *Churchill* again stood up, and excused Lord *Falkland*, as having better experience than the ignorant major part which govern.

Sir *Robert Rich* recriminated on the Officers of the Fleet, (with intimation more particularly, that *Churchill* was faulty) that they pressed men, and took money for discharging them.

Mr *Hutchinson* divided the Question into two ; which the House yielded to.

The first Question was, " That the King be advised to constitute an Admiralty of persons of known integrity and experience in maritime affairs."

The second Question was, " That all Orders for the management of the Fleet shall, for the future, pass through the hands of the Commissioners of the Admiralty."

The first Question the House disagreed to, 135 to 112.

The second Question passed.

Wednesday, January 18.

The following Reasons were given by the Commons, at a Conference, for not agreeing with the Lords in adding, by an Amendment, Commissioners of their own House to the Land-Tax Bill \*.

\* By this Proviso, added by the Lords, all the Peers were to be rated for their Offices and personal Estates, by twenty-six of their own House, therein named, or any five of them, and not otherwise ; and were not to be subjected to the Imprisonment of their Persons ; and

the several Rates and Taxes to which the Peers, by virtue of that Act, were liable, were to be received and paid into the Exchequer, by a Collector to be nominated by themselves. See the *Journal*.

" That

“ That the Right of granting Supplies to the Crown is in the Commons alone, as an essential part of the Constitution; and the Limitation of such Grants, as to the matter, manners measure, and time, is only in them; which is so well known to be fundamentally settled in them, that to give Reasons for it, has been esteemed by our Ancestors, to be a weakening of that Right; and the Clause sent down by your Lordships, added to this Bill, is a manifest invasion thereof\*.”

*Sent to the Compiler by Sir W. A.*

*Saturday, January 21.*

Debate on a book, licensed and published, entitled, “ King William and Queen Mary Conquerors, &c.”† The Licenser, *Bobun*, was brought before the House, who said, “ He thought the Book was innocent, because many Treatises had been published higher on this point than this.” Whereupon the Bishop of *Salisbury*’s “ Pastoral Letter” was mentioned.

Mr *Howe* made a long, set Speech; and said,] The Bishops write themselves, will preach themselves, vote themselves, and flatter themselves out of all esteem. The Clergy, who have preached us into Passive Obedience, and would now conquer, should be restrained, by Penalties, from preaching Law or Politics.

Some moved, “ That the Bishop should be questioned.”

The Speaker said, “ His Book was printed before the Act of Indemnity.

Mr *Foley* moved, “ That he should be impeached, and let him stand to his Pardon.” Some moved, “ To adjourn the Debate.” Others, “ To adjourn the House.” But, after two hours Debate, it was resolved to adjourn the Debate, which was done *sine die*, and so entered in the Journal. But the House ordered the other Book, entitled as above, to be burnt by the hands of the common hangman; and *Bobun*, the Licenser, to lose his Place; but no Address for removing him was voted ‡.

\* The Lords, at a Conference, acquainted the Commons, *January 20*, that they did not insist on their Provisions.

† Said to be written by *Charles Blount*, Esq;

‡ In the Journal, an Address is mentioned for removing him, &c.

*In a farther account of the same Debate, by the same hand,*  
 'Twas said, "There were many good things in the Book."  
 To which

Col. *Titus* replied] In the beginning of King *James I's* reign, the Bible was printed; and the word "Not" being left out out of the seventh Commandment, the whole impression was burnt; and yet no man can deny but there were many good things in it.

Mr *Finch* made a learned Speech, in defence of Dr *Burnet*, Bishop of *Salisbury's* Book, saying,] A great Lawyer, Judge *Hales*, whose manuscripts I have perused, tells us, "That *William* the Conqueror had, by his Conquest, acquired all the Right of *Harold* to the Crown, &c."

Mr *Mordaunt*.] I am glad to find that learned Gentleman of the opinion, that *William* the 1st was King *de jure*; and wish that all his relations were of the same opinion.

Mr *Finch*.] That Gentleman's apprehensions are very quick, but I know not how far his capacity enables him to comprehend the force of my argument.

Mr *Mordaunt*.] I thought that Gentleman truly had been of my opinion, that *William* the 1st had been King *de jure*; but if I mistake his opinion, I ask his pardon.

Then complaint was made of the Bishop of *St Asaph's*\* Book †; but this miscarried in the management; for Mr *Goodwin Wharton* produced the Book; and, instead of reading to the purpose, read another paragraph, asserting, "That the People had power to depose Princes for Mismanagement." This being foreign to the matter of the Debate, and a new invidious subject, spoiled all the business; so that Book escaped.

[Monday, January 23.

A Motion being made, and the Question being put, That a printed Book, entitled, "A Pastoral Letter, &c." be burnt by the hands of the common hangman; the previous Question was carried in the Affirmative, 160 to 136; and afterwards the main Question was also carried in the Affirmative, 162 to 155; and it was ordered to be burnt in *Palace-Yard*, on Wednesday next.]

\* Dr *Lloyd*.

† This, which was on the same subject, was entitled, "A Discourse on God's ways of disposing of Kingdoms."

Saturday,

*Saturday, January 28.*

Sent by Mr *Wilmot*.

An ingrossed Bill, from the Lords, “For the frequent calling and meeting of Parliaments, was read the first time. The Bill, first, set forth, “That a Parliament shall be holden once every year: Next, That a new one shall be called every three years, after the dissolution of the former Parliament: And, lastly, that a period shall be put to the present Parliament in *January* next.” The Bill, in the opinion of most judicious persons, was not well drawn to answer the general seeming intentions of the Bill.

Debate.

*Mr Goldwell.*] I can never give my consent to the Bill. It is calculated for some particular purpose. I desire you would consider, and reflect, upon what offence we have given the Lords, that it should be put upon us to dissolve ourselves. Consider, whether it was not the asserting ours, and the Rights of our Ancestors, by the Bill of Rights? Whether they are not offended at the Supply we have given for our necessary support and being?—The Lords have more justly incurred our displeasure, by assuming the Judicature of *Westminster-Hall*.—The Dissolution of this present Parliament is, to revive animosities in new Elections, and punish the King, by making it not his grace to call a Parliament; but to put it into the Lord-Lieutenants to pack a Parliament. The Lords assume much in dissolving the Commons; a Prerogative only of the King! It is ill timed, as well as ill designed.

*Sir Charles Sedley.*] Since the Lords themselves are firm and secure, it is unreasonable they should interpose in dissolving this House. It is plain, they intend not that you shall sit again to finish any thing, since the Session seldom determines so soon as *January*. It is ill timed. This Parliament is affectionate to oppose the *French*, and they are engaged in that matter; another may make alterations therein. The King having Prerogative to call and dissolve Parliaments, I am for leaving the same to him. The Lords have drawn all our Causes and Fortunes to their Bar, where relations and friends do decide matters.

*Sir Joseph Tredenham.*] I am for rejection of the Bill. We ought to be tender of the King’s Prerogative, and the calling and dissolving Parliaments, the chiefest flower of the Crown—’Tis not reasonable to receive such a Proposal from the Lords. The Commons have been and ought to be ever jealous of what hath

hath come from the Lords, and have very good reason; the Lords having passed their Judgments on this present Parliament; though they have protracted the time of execution till January. I conclude, that we ought to vindicate the Prerogative, and ourselves.

*Sir Edward Seymour.]* I waited for Reasons for the Bill, but find none. Nobody doubts, but that holding of frequent Parliaments is good; but the Bill is not for that intent. 'Tis a Law already, that a Parliament be every three years; so that the whole intent of this is the dissolving this Parliament. By this Bill, you will take off the Dependency of the People on the Crown, and set up the Lords, that have no Right, and turn the Commons out of doors. Is it reasonable that the Lords, who only represent themselves, should turn you out, that represent the People? Whenever the Lords set up a Right of their own, certainly some great end is to be suspected; since this Bill is against the Crown and the Commons.

*Mr Finch.]* I am against the Bill. The Lords may begin and send down any Bill, not relating to Money; but I confess, this cannot be very acceptable, for the dissolving this House. Whatever hath been said for the Bill, it is not such a Bill as is Law already. By a Law in *Edward III's* time, "That Parliaments be annual, and oftener, if need be," they are expounded to be annual, as well as oftener; and the Law also for Triennial Parliaments hath been expounded, that Parliaments shall be, not that new ones should be; and the best exposition of the Law is the use and practice of it. The Bill takes away the great Prerogative of dissolving Parliaments—That the proceedings of whole Parliaments have been vacated, because they have been against the Prerogative. The Bill supposeth kingly Government opposite to the People. Though the Pension-Parliament, as it was called, sat long, yet I desire Gentlemen to show me what Right that Pension-Parliament gave up?

*Sir John Lowther.]* By this, the Lords are doing a thing that strikes at your very Constitution. Their Rights of sitting are certain—Considering what we have done, it is to our disadvantage to be represented to the Lords as fit to be dissolved; as if there were some secret reason for the same. 'Tis enough to bring those we represent out of conceit with us, whose Purses we have disposed of. If the Lords House was to be regulated in their sitting, it would be much more reasonable to accept this Bill.

*Sir Richard Temple.]* I have ever been for Triennial Parliaments; yet this Bill is the most dangerous thing that ever hath been in the House; since this is provided for before by other

other Laws, this is designed for something else, plainly to end this House. It is directly against the King's Prerogative of Dissolution; and I doubt that new Elections may set the Nation in a ferment, in a time of War; and I doubt this is the design.

For the Bill.

Mr *Pelham*.] I am sorry to see Gentlemen offended at a Bill of so good a title and intent. The Objections have been three against it; 1. "That it comes from the Lords." 2. "That it will hazard the Government." 3. "That it is unseasonable." As to the first, I take the Lords to be concerned to do some such thing, because they rejected a Bill from this House much to this purpose. As to the second, nothing of this kind can hazard the Government, from the People of *England*. A present Member of this House, a Member also of the Pensioner-Parliament, told me, "That he, by Order, paid Pensions to thirty Members of that House." The like, by long sitting, may be done again. As to the third, the Bill can never be more seasonable than when we give so much Money.

Mr *Hopkins*.] Our ancestors always aimed at this, as appears by several ancient Laws to this purpose. The like was well enough offered at in the last ill times. When men continue here long, they alter. They come up hither free-men, but are here made bond-men. If to be elected be an honour, let neighbours share; if a burden, so likewise.

Mr *Hutchinson*.] I hope the Lords sent down this Bill on no ill Reasons; and I think that we, by negligence, and late attendance, seem weary of our own sitting.

Mr *Herbert*\*.] I am not of opinion that it intrenches on the King's Prerogative, or People—The Lords may as well send Bills to us, as we to them. The last Clause, upon Commitment, may be mended. As to determining this present Parliament, I had rather have a standing Army, than a standing Parliament.

Mr *Bowyer*, of *Southwark*.] The two greatest mischiefs to this Kingdom are, either to have no Parliaments, or to have long Parliaments. Both were experienced in King *Charles I*'s time. We had also the experiment of an ill Long Parliament in King *Charles II*'s time. If the late King *James* had not revoked the Writs for calling a Parliament, which he had issued

\* A hearty Promoter of the Revolution; going over to *Holland* to offer his assistance to the Prince of *Orange* some time before. And, in consideration of those services, he was created Lord *Herbert of Chisbury*, in 1694. In 1705, he was appointed one of the Lords of Trade, and died in 1708.

out,

out, he might have been here still (*at which all laughed.*) This present Parliament is esteemed a well-officered Parliament; and I doubt it will be so more and more every day than other. The Bill of Rights would have frequent Parliaments, in the plural number: Such a Bill will make men not spend Money to be elected.

Mr *Harley* arraigned the Lords for sending down this Bill; touched on their extravagant assuming of Judicatory Power; and then said] The Bill is a plausible panegyrick on this Parliament, for its Funeral Oration; yet, notwithstanding, I am for the Bill. Such remedies, to obtain good things, must be obtained in good Princes reigns. Annual Parliaments have been enacted by several Statutes. When one is grown a little old, another hath been made. It is no intrenching on the Prerogative, but is for the Honour of the King. He hath said, in his Declarations, “That he will put us in such a way, that we need not fear being under Arbitrary Power, by yielding any thing to make us easy and happy.” Our Honour is concerned for this Bill; considering what we have done, we should let others come in, that they may find, that Money is not here to be gotten. A standing Parliament can never be a true Representative: Men are much altered after being some time here, and are not the same men as sent up. The Lords sent you a Bill in *Hen. VIII*’s time, for settling their Precedency; and you have sent Bills to them concerning your Privileges.

Sir *Thomas Clarges*.] I should be unworthy to sit here, if I did not give testimony to this Bill. It is the best Bill that ever came into this House since 25 *Edward III*, of Treasons, &c. I would never countenance any encroachment of the Lords; but I take it to be none; and I cannot refuse to speak in behalf of the Bill; we should otherwise go into the Country with discredit. I am not against my neighbours coming here, to see what we have done. I am much scandalized to see the Bill of Privileges not better received. (*He probably meant that brought in by Mr Howe.*) Such a Bill, not passing easier, may be soon the occasion of this. We should do well to imitate the Long Parliament in King *Charles I*’s time, which, by their self-denying Ordinance, kept up their credit longer than otherwise could have been, and would otherwise have fallen sooner. In the Bill of Rights, the Clause of Triennial Parliaments is the chief good thing we can do for ourselves. The language of the Bill is the same with the ancient former Laws for annual Parliaments. The Long Parliament was ever esteemed a Grievance by me.

Mr *Foley*.] I take it, that the Bill is not against the Prerogative ; for a present Law is for a Triennial Parliament. We may send any Bill to the Lords about their Members, and they also to us ; only no Bill for Money is to be sent to us. It is necessary for us to have frequent Parliaments, and to take care also that Parliaments be not corrupted, which frequent and fresh are less subject to. Some deficiency is in the Bill, but all may be amended at Commitment ; for something now ought to be to prevent Corruption.

Mr *Freke*, junior, only made this short observation] From this House, a Bill moved to the Lords against the Popish Lords, and was received.

Sir *Thomas Littleton*.] To receive the Bill is essential to the Peace of both Houses. It is not usual to reject a Bill at first reading. Such a rejection would be construed, that the House could not endure to be dissolved. To begin a new Bill here, touched on by some, would provoke the Lords. You amend all faults yourselves. Though there be Law for Triennial Parliaments already, yet plainly no effect hath been. The Clause of Dissolution of the present Parliament may be left out. If Gentlemen oppose the Bill for that reason, yet let us have the Bill for the benefit of posterity.

Sir *Francis Winnington*.] The great men that were for Prerogative in *Charles I*'s time, in defect of Parliaments, turned Prerogative into Arbitrary Power. In the Pensioner-Parliament of King *Charles II*, made so by long continuance, a Bill against *France* could never pass, and it was against building of Ships. This Parliament is already so well-officered, that much enquiry is, how many things come to pass. There is as much Right to the People to have frequent Parliaments, as to have Parliaments ; because they cannot recall and revoke their Members, when elected. The Lords may send down Bills relating to the good Government of the People, but not for Money. The Lords accepted from us a Bill to disable the Popish Lords : Short and frequent Parliaments would cure the great evils and oppressions of Privilege. There is no pressure on the Prerogative, because the thing used to be so, and, by Law, should ever have been. The Peoples Rights will hereby be settled, which, as King *Charles I*. said, “ best supported the Prerogative.”

Sir *Christopher Musgrave*.] Since, formerly, Laws made to this purpose have been evaded, it is fit now that such Laws should be explained better. I have ever found long Parliaments ungrateful to the People. As to the objection, “ That, being in a War, new Elections will give disturbance,” I answer, that,

by

by that reason, you must sit during the War. The reason, to perpetuate ourselves, is of no great benefit; but, on the other side, let your neighbours come in, and those we represent be at liberty to be served better. I think that long sitting of Parliaments is not for the King's interest. This Parliament hath either had Adjournments, or short Prorogations, by which means, by reason of Privilege, the People cannot have their Rights. By this, we shall show that we are not lovers of ourselves.

Capt. *Mordaunt* only answered an objection made, "That by change from the Convention to this Parliament, there were not above fifty different," by saying, "That he wished that the Opinions of the Convention and this Parliament had been the same."

Colonel *Granville.*] Whereas we are told, (by *Finch*) "That this Bill seemed to be founded upon a disaffection towards this King, and also to Kingly Government," I think this Bill takes care of our ancient Constitution, and doth not innovate. When Parliaments sit long, many will spend money to come in. The Lords have done no other good things this Parliament. This makes some atonement for casting out the former Bill (the self-denying Bill.) I hope Gentlemen will not be against looking their Country in the face when here discharged.

Lord *Coningsby.*] I am not afraid to have the Parliament dissolved, but would not have it from the Lords. If the Lords will make themselves temporary, I will consent to do it here in this House.

[The Bill was ordered to be read a second time, 210 to 132,]

Thursday, February 10.

Sent by Mr *Wilmot*.

The Bill for frequent calling and meeting of Parliaments was read the second time.

Against the Commitment.

Sir *Charles Sedley.*] I perceive, by discourse of many, that the Commitment of the Bill, would be the best news the *Jacobites* could possibly have. It is putting to an ingenious death this Parliament. The King hath reason to be satisfied with this Parliament, and, I believe, the People have so likewise. The Bill is maliciously penned; nothing can be done in the time that is prescribed for Dissolution. We can never finish so soon as the first of *January*, and to dissolve it sooner is

is not fit, lest a Descent be made upon us. The next Parliament must do as we have done. The King hath usually, each Session, told us what is necessary, and we have complied therewith ; so must they that come after us. I neither fear being chosen again, nor being at expence. I have served in Parliament 30 years, and could, for my own part, say with *St Paul*, *Cupio dissolvi*. I wonder the Lords could endure a Parliament seventeen Years, and this not above three Years.

Mr Dolben.] The Lords have taken upon them too much, to dissolve the Commons ; they never did any thing that showed any regard to this House ; they have frequently rejected or clogged our Bills sent to them ; as, the Bill for regulating Elections, and spurned at the Bill at the first reading. They are for the increase of their own powers, and diminishing of ours. Why did they not join in the Bill of impartial Proceedings in Parliament, &c ! I think, therefore, they have no zeal for the good of this House. Whatever is the intention of the Lords, the consequences must be dishonourable to us. The Bill doth certainly intrench upon the Prerogative, and every true *Englishman* ought to keep the true Balance. I am amazed that the Lords could bring themselves to sending such a Bill. I have read of *inductum Parliamentum*, and of *benedictum Parliamentum*, but we, by yielding to pass this Bill, may be branded to be *stultum Parliamentum*.

Sir John Lowther.] Such a Law as this, in 1640, was the ruin of the Nation. They were not to be dissolved but by their own consent. It was ever esteemed the greatest Prerogative, to call and dissolve Parliaments ; and, though the King's consent must be had, yet, in effect, it is when the People will. It is plain, the Lords think you not fit company for them to sit with, and they would recommend themselves by such a Law and Provision. We have a good King on the Throne, and may therefore certainly be happy in our ancient way and Constitution.

Sir Orlando Gee.] I was for the Bill at first, because it had a plausible Title, and I would not give offence to the Lords ; but I doubt it will be an Invasion on the Prerogative. I would have the King have his Rights, as well as the People theirs. What we aim at by this Bill, may as well be done another way, and more decent. I would have the House humbly address, " That an end may be put to this Parliament, and that frequent Parliaments after may be." The King of *France* hath formerly given money for Prorogation and Dissolution of Parliaments, and now you do it for him *Gratis*. Our Alliances may be hereby weakened, as if we were weary of giving Money.

After Dissolution, ill accidents may happen, to our prejudice. If a Parliament had not been, at the Duke of *Monmouth's* Invasion, it had been very hard, though no Title could have been pretended. I conclude to have an Address, &c.

Sir *Edward Seymour.*] I waited to hear if Gentlemen had proposed any Amendment, but none being, I must oppose the Bill. I will not mention what was said in a former Debate. I am no Prerogative-man; that is, to set up Prerogative against Law; but if you take away calling and dissolving Parliaments, you take away the Government itself. Queen *Elizabeth* said, “I called you hither to assist me, not to take away my Prerogative.” The Prerogative is as inherent in the Crown, as the People’s Rights in them. You have brought the Crown into a War; it is just now under the difficulties thereof; at this time to wrest the Prerogative from the Crown! We have given much Money; Credit must support what is to come, and this for the Bill will much impair such Credit. Will another Parliament always consider what a former has done? Nothing will more gratify the Enemies of our common Safety, than the passing this Bill.

For the Bill.

Sir *William Strickland.*] I think more charitably of the Lords intentions. I would know, if a Person do any of us a real kindness, whether it is reasonable to examine into the intentions? Frequent Parliaments will be much better, and the Ministry also will be thereby much better.

Mr *Hutchinson.*] The best of Kings was not against limiting the Prerogative, as in *Edward III's* time, when the Laws for annual Parliaments were made. The Corruption of the Pensioner-Parliament was by long sitting. I think none can be against this Bill, but such as doubt of being chosen again, and others also that are unwilling to spend money.

Mr *Howe.*] Many scandals are upon us. “The argument of Prerogative, and the advantage we shall give to our Enemies by this Bill,” are Words we make use of for our own sakes. We are told, “That, by this Bill, our credit will be lessened.” I do aver, that persons without doors thank us for it, and applaud the Bill. It is said, “It will weaken our Alliances;” It is unreasonable but we should have some good Laws for ourselves, and not respect Alliances with neglect of ourselves. I think that this Bill makes us more united among ourselves. The Lords were anciently called *pro hac vice*, but now, by some *vice* or other, they are always called. Lord *Coke* says, “Before the Conquest, a Parliament was held twice in a Year,

Year, and in *Edward III's* time, once a Year, and this to redres Grievances, which every day happen." I hope to be have myself so well as to be again sent up.

*Mr Brockman.*] I would propose an Amendment ; for, as the Bill is drawn, a Parliament may not be held in three Years. I wonder this should be thought to intrench upon the Prerogative, since the King hath declared so much in favour of Parliaments. The People are so well dispos'd, that no danger can be of a new Parliament. It is better for the King to rely on his People, than on the Ministry, not excepting the present Ministry.

*Sir John Morton.*] If I had thought the Bill against the Pre-rogative, I should be for casting it out, for the Government hath deserved better of us than the late ones, which were for cutting our Throats.

*Lord Castleton.*] Second thoughts are esteemed best, but it is not so in *Sir Orlando Gee.*

*Mr Goodwin Wharton.*] I believe the Bill not designed ill by the Lords. I am sorry that so frequent reflections are upon the Lords. I believe they thought not ill of this House, for only a good House will consent to such a Bill. I have no distrust of the King, but would have it now to be gained to provide against a bad Prince. The Bill is to provide against two extremes ; Parliaments not too long, and Parliaments not too frequent. I think that freedom may be used here, and, I think, that those who are against this Bill are no friends to the Government.

*Mr Foley.*] Some have objected, what ill Laws were made in that Parliament, called "The Pensioner Parliament." What Rights of the People gave they up ? By the Law of Triennial Parliaments, as passed and confirmed, they, by implication, perpetuated themselves ; by means whereof, the ill Ministers of that time were perpetuated. I think it very fit, that, if we cannot find out our ill Ministry, others should come that may find them out.

*Mr Neale.*] It is the interest of the King that the Bill pass, as well as that the Subject will thereby be well pleased, since it will shew them that their Majesties intend to govern by Law. It is objected, "That it came from the Lords." A good thing sometimes may come. I cannot think that passing this Bill will impair our Credit, as is told us, nor that it can gratify our Enemies. We are told ; "This is not a proper time," but I think, that, in so good a Reign, such a good Law is to be gained.

Mr *Hungerford*.] Except the last Clause, the Bill is only declarative of the ancient Law ; yet, perhaps, it is not amiss, to have this present sanction of a Law. In *Edward III*'s time, the Law for annual Parliaments was not always observed, but the People therefore were dissatisfied ; insomuch that the King called one ; and the Bishop of *St David's*, who opened the Parliament, told them, " That the King called them in pursuance of that Law." The Triennial Act intended a new Parliament every Year, not a Triennial Sitting. A Parliament that sits long, cannot be a true Representative of the People of *England* ; as in 1640, and 1660. The People of those times were of a different Spirit. The King employs all sorts of Persons. In a former Debate on this Bill, the Persons employed were some for, and some against, the Bill. I am for having a new Parliament, that the King may be acquainted with all his People.

Sir *John Guise* spoke also in this Debate, in which he was not very short neither, but it was difficult to perceive, whether he was for, or against, the Bill.

The Bill was ordered to be committed. The Time of Dissolution was altered from *January 1*, to *March 25*, 1694, if the King pleases.

*The Compiler had the following from Sir W. A. relating to the same Debate.*

Pretty were the Tricks in putting Questions, but prevented by the care of the House. It was objected, " That this was a good House, and that the Nation would not be grieved with its continuance."

Colonel *Titus*.] *Manna*, when it fell, was sweet as honey, but, if kept, bred worms. It is objected, " We have good Laws for frequent Parliaments already." I answer, the Ten Commandments were made almost 4000 Years ago, but were never kept.

The House then was troubled with Riders, but they could not get into the Saddle.

At the first reading, when it was objected, " That this Bill did not only retrench the King's Prerogative, but might be reasonably ill taken by the King, who had done so great things for us."

Mr *Harley*, in reply, pulled out of his pocket the Prince of *Orange's* Declaration, and read it to the House.

*February,*

February 9. The above-mentioned Bill passed, 200 to 161\*.

Tuesday, February 21.

From Sir W. A.

• The Lords, in a Committee on the 14th, finished their Address of Advice to the King, to which they added, [“ That they humbly advised and prayed his Majesty ; ]

“ First, That the Army of 20,000 men to be left in *England*, may consist all of their Majesties own Subjects.

“ Secondly, That their Commander in chief be an *Englishman* born.

“ Thirdly, That his Majesty would alter and regulate the Lieutenancy of *London*, before he goes abroad.”

The day before, the Committee was to report it, but some hot-brained man †, at the Lords House Door, dispersed a List of the Names of the Lieutenancy, with Notes, who refused the Oaths, corrupted Elections, were of Lord *Russel's*, and other Juries, and were for the *Quo Warranto* against the City Charter ; which spoiled the business, and so it was adjourned *sine die* : [And the Lords, after some Debate, *Resolved*, (Majority of 14,) That the Paper was a scurrilous Paper ; and ordered the Disperser of it into Custody.]

There is a Bill from the Lords, that has lain long upon the Commons Table, for indemnifying a certain Minister, for committing several Persons last Summer on Suspicion.

Under this specious Title, is prepared a Power for any six of the Privy-Council, to seize and secure all manner of Persons that shall refuse to take the Oaths already known, or any other that shall be imposed by this or any other Parliament, and cannot give such Bail, as six, in their discretion, think fit to require ; and this to continue during the War with *France*. This Bill the Lords did not think fit to put the House of Commons in mind of.

[Tuesday, March 14.

His Majesty came to the House of Lords, and, after passing several Bills, concluded the Session with the following Speech :

\* The King let this Bill lie for some time, on the Table so that mens eyes and expectations were much fixed on the issue of it. But in conclusion, he refused to pass it ; so the Session ended in ill humour. The rejecting a Bill, though an unquestionable Right of the Crown, has been so seldom practised, that the two Houses are apt to think it a hardship, when there is a Bill denied. *Burnet*.

† Mr *Wilmore*, who had suffered greatly in the two last Reigns.

“ *My Lords and Gentlemen,*

“ The large Supplies, which you have given me this Session, are so great Testimonies of your good Affections, that I take this occasion, with great willingness, to return my hearty Thanks to you. And, I assure you, it shall be my care, that the Money you have given, may be effectually applied to such services as may be most for the Honour and Interest of *England*.

“ I must recommend to your care the Peace and Quiet of the several Counties to which you are now returning, and doubt not, but by your care, the Supplies which you have so freely given, will not only be effectually levied, but with the greatest equality too, and the least uneasiness to the People that is possible.

“ The Posture of Affairs does necessarily require my Presence abroad ; but I shall take care to leave such a number of Troops, as may be sufficient for the security of the Kingdom against any attempts of our Enemies.

“ I shall add no more, but that, as I shall continue to expose my own Person, upon all occasions, for the good and advantage of these Kingdoms ; so, I do likewise assure you, that my hearty and sincere endeavours shall never be wanting, in any other kind, to make this a great and flourishing Nation.”

And then, by his Majesty’s Command, the Lord Chief Baron prorogued the Parliament to *May 2\**.

*Tuesday, May 2, 1693,* the Parliament met, and was prorogued by Commission to *September 19*. From thence to *October 3*. From thence to *October 26*. And from thence to *November 7.* ]

\* The King set out for *Holland* *March 25*, but the Wind being contrary, he returned to *Kensington* ; on the *31st* he set out again, and arrived in the *Maese*, *April 2*. *Huy* surrendered to the *French* on *July 18*, and, *July 29*, they attacked and defeated the King’s Army at *Landen*. After this, *Charleroy* was besieged, and taken by the Enemy, *October 6*. At Sea, the *French* were equally successful ; Marshal *Tourville* intercepting, off *Cape St Mary’s*, the *English* and *Dutch* *Smyrna* Fleet, under convoy of Sir *George Rooke*, of which he took and destroyed near an hundred, besides four Men of War. The King, after waiting near a Month for a fair Wind, returned to *England*, *October 29*.

*Tuesday,*

*Tuesday, November 7, 1693.*

[The Parliament met, when his Majesty, in the House of Lords, made the following Speech to both Houses :

*" My Lords and Gentlemen,*

" I am always glad to meet you here, and I could heartily wish that our satisfaction were not lessened at present, by reflecting upon the Disadvantages we have received this Year at Land, and the Miscarriages in our Affairs at Sea. I think, it is evident, that the former was only occasioned by the great number of our Enemies, which exceeded ours in all Places : For what relates to the latter, (which has brought so great a Disgrace upon the Nation,) I have resented it extremely ; and as I will take care that those who have not done their Duty shall be punished, so I am resolved to use my utmost endeavours, that our Power at Sea may be rightly managed for the future : And it will well deserve your consideration, whether we are not defective both in the number of our Shipping, and in proper Ports to the Westward, for the better annoying our Enemies, and protecting our Trade, which is so essential to the welfare of this Kingdom.

" I am very sensible of the good affection wherewith you have always assisted me to support the Charges of the War, which have been very great ; and yet I am persuaded, that the Experience of this Summer is sufficient to convince us all, that, to arrive at a good end of it, there will be a necessity of increasing our Forces, both by Sea and Land, the next Year. Our Allies have resolved to add to theirs ; and I will not doubt, but you will have such regard to the present exigency, as that, you will give me a suitable Supply to enable me to do the like : I must therefore earnestly recommend it to you, *Gentlemen of the House of Commons*, to take such timely Resolutions, as that your Supplies may be effectual, and our Preparations so forward, as will be necessary both for the Security and the Honour of the Nation."

The House being returned, adjourned to *Monday.* ]

*Monday, November 13.*

On the King's Speech.

Mr Foley.] The King's Speech is short, but of two parts, *viz.* The Disadvantage our Forces have had at Land, and the Miscarriage at Sea. Considering the

time of the Year, and the condition of the Navy, that is the greatest Consideration, and first to be considered. But before we give Supply, the condition of Affairs is to be considered, and the Miscarriage the last Summer. They cannot excuse themselves. Our Enemies are enriched by our Losses. If the Miscarriages had been before considered, it might have prevented much. We had a powerful Fleet; had they done their Duty, they might have destroyed the *French* Fleet; but instead of that, we have had great Losses, and are become a scorn and contempt to other Nations. We do not our Duty to the King, and the Nation, and what all the World expects from us, if we examine not the Miscarriages. But before we can know where to lay the fault, it is requisite that we have the Papers before us. I move for a short day to consider the Miscarriages of the Fleet, and Navy-Affairs.

Mr *Charles Montagu.*] I like what is moved; and for what day you will appoint, I am as ready as any body. I am one of those that think that you have been downright betrayed. I know not who did it, but am sure it is strange, that the *French* King should leave five hundred Miles of his Shore expos'd, and draw off all his Fleet: That plainly shows he had some good assurances. But I would not postpone the greatest matter. The King says, "the Enemy is stronger than he considerably in Land-Forces," and that was the only Reason of his Disappointment. Some of our Countrymen did not behave themselves so well as they should. But, being deserted by the Foreigners, 'tis no wonder that they shifted for themselves, for their own safety. I have observed, that the *English* are contrary to all the World; they are frightened into their wits. A Party was suspected formerly to carry on Popish designs; another complied with the present temper, Popery: Whereas, then we had no Deliverer—We must not expect another Deliverer. I wish Gentlemen would lay aside all little heats, and fooleries, and lay their hands to the great Affair. If we do not suddenly provide

vide for our safety, the Enemy will be much forwarder than we. I hope we shall be quicker in our Resolutions. Several things retard our Proceedings—One is, Places. A noble example lately of my Lord Keeper, in disposing his Places ! I wish all Places were well filled, and that men would not thrust themselves into Offices, and never look after them. 'Tis high time to come to some Resolution. We have more Enemies than we had last Year. I move, for your Reputation, that you will resolve to support the King, and defend the Government, and assist them in a Parliamentary way for carrying on the War with *France*, and supporting the King.

*Sir Thomas Clarges reads part of the King's Speech reflecting on the Miscarriages.]* I am sorry any body should be so unhappy as to prostitute the Honour of the King. Where the Reputation of the King sinks, the King sinks with it. Unhappy Ministers that advised the King to head such Armies, as are not for his Reputation ! If they think they can be governed without him, they may say they will not be governed with him. Kings formerly had their Council with them in foreign Expeditions, This may be the last meeting in this Assembly, if we provide not better for our safety. *Littleton* told you, “ That, formerly, the Pensioners perverted good Laws ;” pray God 'tis not so still ! I find some, who arraigned the former times, now in Offices ; generally such People are distrusted—The Trade of the Nation is gone, and Land will be worth nothing, if Trade be not supported. By Trade, *London* makes up your Rents. I always told you, that our safety is the Sea—In 1692, the Navy was two Millions in Arrear. It was said heretofore, “ That we should be Monarchs of the Sea ;” but for all I see, we are like to be Vassals, and bow to other Nations. I hope you will particularise the Miscarriages. You have lost a Million of Capital Stock in the City of *London*, besides the Ships you have furnished to your Enemies. It is come to a moot Point, whether we shall

sive

fave *England or Flanders*. I think we are undone, if we go not by the ancient way of Parliament, to address that our Grievances may be redressed before we give Aid ; which is the natural way of aiding the King. The King told us, when he came over, “ That we should make such Laws, that we should never fear our Liberties ;” but God knows, we are betrayed ; and if there be such unhappy men to take Money to betray their Country, find them out. We have some resemblance to the first Christianity, where were twelve Apostles, and one of them was a Devil : He kept the Purse ; for thirty Pieces of Silver he betrayed his Master : And that will betray us, and by that we shall lose all our Privileges. I should enlarge farther, but I hope Gentlemen of greater Abilities will supply me : But I move, as before, for a day to consider the Miscarriages of the Fleet.

*Sir John Thompson.]* All of us come here full of Affection to serve our King and Country ; but it must be confessed, that never Parliament was under such discouragements as we are ; but would it not grieve any *Englishman*, that the Treasure of the Nation should be spent in such extravagant Bounties, and Pensions to Foreigners ? A man must no more talk of Miscarriages at Court, than of News in the Camp. Do but consider the last Session ; our Bills for the Security of the Nation, all proved abortive. Though we have had so many gracious Promises, they all languish under disappointment of Performances. Have we not seen Preferments, as if the displeasure of this House were the greatest Letters of Recommendation ? *Lord Torrington* was questioned, and tried for his Life ; yet he brought home the Fleet. *Admiral Russel* fought, and was accused when he came home. I hope, whatever is said abroad, that Persons will not be so mollified with Places, as to betray their Country.

*Sir John Lowther.]* Upon the deliberation of the House all will depend. Miscarriages have been unfortunate,

fortunate, but must be proved, and then I shall concur to punishments. But do not judge men before they be heard—They are said to be *Judas's*, “ because they carry the Purse”—As to Offices, can the Nation subsist without Offices? If you can find honest Officers, encourage them ; if otherwise, prove them, and make them examples to others. What will Men think of us, if, in these great exigencies, we complain, and no more? The Treasury have had no assistance from the Commissioners of Accounts—When we consider, that the last money came short ; we can never answer it to our Country. We in our Ports, when the Enemy was at Sea ! I am indifferent which Question you put first ; whether you will examine the Faults, or give the King Supply. Do all the parts requisite to the Government, and take the Questions together, and I hope you will not preclude any thing ; but, amidst your discontents, do not ruin the Nation.

Sir *Edward Hussey*.] In the last Session, the Triennial Bill was rejected : I would know who advised that, and the delay of the *Smyrna* Fleet? Former Parliaments had Grievances redressed before they gave Money. I move, to consider the Miscarriages of the Fleet last Summer, &c.

#### On the Miscarriages of the Fleet.

Sir *Edward Seymour*.] It is a great dissatisfaction to enter into this Debate. One consideration weighs more with me than all ; without Supply, for support of the Government, we are lost. Here is an Account prepared for you, to see that the Money is not mis-spent, for the use of the Nation. I say, with the greatest sadness, that we have lost the Discipline of the Fleet, and, I am afraid, our Honour too—The House will never go along chearfully, till enquiry be made into Miscarriages. Words have done no good, of a vigorous War against *France* ; but I fear it may be termed a vigorous War against *England*. I move to add to the Question,

Question, “ That we will support the Government to the utmost of our Power.”

Colonel *Titus.*] A great Sum was given last Year to set out the Fleet, which brought home nothing but infamy. The Fleet should have convoyed the *Turkey* Fleet out of danger, and it convoyed them into danger. They fiddled and danced at *Torbay*, and we must pay the Music. If you enquire not into these Miscarriages, you will be as popular a Parliament as the Fleet is a Fleet. But *be angry, and sin not*, and revenge the Quarrel upon yourselves. Your case now is to satisfy your justice, and provide for your safety at the same time. But it is an affront to the Government to take care of Trade, and none of the Government; therefore, I would put in the Words, &c.

Sir *Christopher Musgrave.*] Shall it ever be said, to the disgrace of the House of Commons, that we do not examine Miscarriages? The affections of the People are not changed to the King, but accidents in Government that prove unfortunate. You are told, “ If you have not a greater care than formerly, your Money will be of no effect;” but let us not be ensnared by any Vote to take away the freedom of Debate. I conclude, “ For the Preservation of the Government, and Trade of the Nation.”

Mr *Howe.*] I think none so simple as to think an *English* Parliament will not support an *English* Government. The Words offered for the Question are so large, they include all things. I will not say, nor any man, there are not Miscarriages; but they must not be called Misfortunes. I think the Opposition of the two violent Parties is equally honest, and equally well intentioned to the Government. I care not which is uppermost; if they be uppermost they care not what becomes of the Government, if they have safety in their own animosities. It is to this we may attribute all our Misfortunes. Let us show the Nation, that it is worth preserving. As to the faults of the Fleet, one part  
lies

lies upon one, and another upon another. Prop the Building first, and then enquire where the defect is.

[Resolved, Nem. con. That this House will support their Majesties and their Government, and will, on *Wednesday* morning next, enquire into the Miscarriages of the Fleet the last Summer; and take into their Consideration the Preservation of the Trade of the Nation.

*Ordered*, That the Commissioners of the Admiralty (who are Members of this House) do, on *Wednesday* morning next, inform the House, why the *Streights* Fleet was stopped till the main Fleet went out.

*Ordered*, That the Admirals, that commanded the Fleet last Summer, and Sir *George Rooke*, and the *Turkey* Company, or such as they shall appoint, do attend this House on *Wednesday* morning next.]

[November 14 Omitted.]

*Wednesday, November 15.*

The *Turkey* Company, according to Order, gave an Account, at the Bar, of the Orders for the sailing of the Fleet, and the number of *Dutch* and *English* Ships for the Convoy.

[Sir *George Rooke* informed the Speaker, by Letter, that he was very ill, and could not at present attend the House. So he was ordered to attend, together with the other Admirals, on *Friday*.]

*Thursday, November 16.*

[Mr *Foley*, from the Commissioners for taking the Public Accounts, presented to the House a State of what Money had been given for maintenance of the Fleet during the War, and what they had received thereof.]

Sir *Thomas Clarges*.] Misapplication of Money by Assignments—But one Reason may be, the Treasury cannot resist superior Commands; and one great Reason of this misapplying is, the Commissioners of the Treasury are not upon Oath. Formerly, in King *James I*'s time, there were Commissioners of the Treasury, till a Lord Treasurer was named, but now not to be upon Oath, and to have the disposition of all the King's Treasury!—I hope you will consider of it. At the Grand Committee for the Fleet, I believe there was

was a Million owing to the Navy. All issues are for service done, and to be done, and that makes the confusion. I hope, there will be remedy for the future. Many of the Seamen take service from the King of France. If some remedy be not taken to provide for and encourage the Seamen, they will desert.

Mr Montagu.] I suppose no man can expect any great matter from a Paper read, as has been said, tumultuously. I have been but two Years in the Treasury, but I find the great occasion was, the first Year of all, a great Debt was left upon the Navy.—*And so went on upon that Subject.*

Several of the Treasury, and Commissioners of Accounts, spoke to it.

[*Friday, November 17.*

The Turkey Company presented to the House a Narrative, in writing, of what they declared on *Wednesday* at the Bar of the House.

Lord Falkland presented also several Papers relating to the Instructions and Orders concerning the Turkey Fleet, &c. And the Admirals, that commanded the Fleet last Summer\*, being called in, delivered the results of the Council of War, and a Narrative of their Proceedings, &c.

Sir George Rooke, being so lame of the Gout, that he could not stand, was brought to the Bar in a Chair, where he delivered a Narrative of his Proceedings, &c. And (in respect of his indisposition) he was then dismissed for the present.

*Resolved*, That, upon Examination of the Miscarriage of the Fleet, and the loss the Turkey Company hath sustained this Summer, this House is of Opinion, That there hath been a notorious and treacherous + mismanagement in that Affair.

To proceed on *Monday*.

\* *Viz.* Adm. Killebrew, Sir Ralph Delaval, and Sir Cloudefly Shovel, Adm. Russel having been dismissed.

Killebrew and Delaval were tho't so inclined to King James's interests, that it made some insinuate, that the King was in the hands of those who intended to betray him to his Enemies. For though no ex-

ception lay against Shovel, yet it was said, "That he was only put in with the other two to give some reputation to the Commission, and that he was one against two; so that he could neither hinder nor do any thing." The chief blame of this nomination was cast on the Earl of Nottingham. Burnet.

+ These words were retained in the Question, on a Division, 140 to 103.

Saturday.

*Saturday, November 18.*

*Lord Falkland* presented to the House an Estimate of the Charge of the Navy for the Year 1694, amounting to 2,346,132*l.* for 118 Ships, and 40,000 Men.

*Resolved*, That 400,000*l.* be granted to their Majesties, towards a Supply for Maintenance of the Fleet for the Year 1694.]

*Monday, November 20.*

[On the Miscarriages of the Fleet.]

*Lord Falkland.*] We have now an Admiral, and are without a Secretary. If Mr *Russel* be put in, the Secretary (*Nottingham*) will go out. The Commissioners of the Admiralty sent for an Account of the Execution of their Orders ; and that Account was not sent for a long time after. They ought either to have executed their Orders, or sent word why they did not. Two things were to be considered by the Fleet, the Coast of *England* to be guarded, and the *Streights* Fleet—They knew nothing of the *Mediterranean* Fleet, nor the *Brest* Fleet; and so the Admirals did neither. If Orders were found impracticable, with respect to the Board, they ought to have had notice. The Council of War thought them impracticable : If they were ill Orders, why was it not represented ? If good, why not obeyed ? The loss was a great misfortune to the Nation, and all by mismanagement. It was a great Charge for Sir *George Rooke* to be sent away without Orders—Such a chain of Causes all along, that I cannot think all this was done by Chance. If some Course be not taken, all will be lost, and it is no where to be done but here. Those that sit at the Helm, how can they serve the Kingdom and King *James* too ?

[*Ordered*, That the Admirals do attend to-morrow.]

*Tuesday, November 21.*

Admiral *Killegrew* gave an Account of what *Lord Falkland* charged, and *Rutter's* Information was read. He was ordered to be sent for, and confronted with the Admirals.

Captain

Captain *Kerr*, who took *Rutter*.] He gave no Account to the Admirals of the *Brest* Fleet being out, nor to me, nor to any of my Company. I took him pretending to exchange Prisoners at *Nantz*, but he brought Currants from *Nantz*, &c.

Debate.

*Sir Thomas Clarges.*] By the Act, there is to be no correspondence with *France*, and this *Rutter* was employed to exchange Prisoners, and then falls to trade with *France*, with Currants from *Nantz*. He tells you a story, but that has little weight upon me, if he be not a Man of Credit. How many have sworn in *Westminster-Hall*, and yet stood in the Pillory!

*Mr Hampden.*] I have observed, that an unreasonable Defence, as well as an unreasonable Accusation, will prejudice a Man. I never saw this *Rutter*, but you have his Examination, and his Answer, upon Oath. It seems, it is thought slight because *Rutter* gives it—I observe, that it is strange, he should be so long with the Admirals, and not utter six Words of the *Brest* Fleet being out; which makes me think him not so candid and ingenuous as he should be. As I would accuse nobody, so I would condemn nobody, hand over head.

*Sir Thomas Littleton.*] *Rutter* might hear at *Nantz* that the *French* Fleet was laid up—He says, upon Oath, “It was not so much as enquired by the Admirals, what became of the *French* Fleet.”

*Mr Montagu.*] I would have *Rutter*’s Information read, because some heard it not—It was a little too forward, to accuse *Rutter* before you heard him.

*Mr Foley.*] I have read *Rutter*’s Affidavit, and I think it is the fairest way to have *Rutter* and the Admirals face to face, and then you are ripe for Judgment. I would send for *Rutter* presently.

[*Rutter*’s Information was read, and he was ordered to be sent for.]

*Sir Edward Seymour.*] Since observation has been made, why the Admirals did not confront the Evidence sooner, [I would ask,] whether they had any notice that such

such Information was made? Without the best Evidence in the World, I would not have the Admirals discouraged in their Service.

[They were ordered to attend again the next day.]

*Wednesday, November 22.*

[Debate on the Miscarriages of the Fleet resumed.]

Mr *Papillon.*] The Admirals had nine Weeks Provision. The Captains give still less Provision in than they have—They have had, upon all accounts, rather more than less.

Sir *Christopher Musgrave.*] You cannot have who is in the right, or who is in the wrong, till you have the Account. There should be an Indenture betwixt the Purser and the Victualler, who understands always the Purser—There has been great clamour, that they had no Victuals.

Mr *Montagu.*] You have delivered your Opinion, “That there has been a traitorous Mismanagement, &c.” I think it proper to hear the Admirals; a thing so much discoursed upon! I believe the Admirals are ready to give you account. *Rooke’s* Misfortune was the 17th of June—They came not till the 22d; and might have had Beverage upon the *Portugal* Coasts.

Col. *Cornwall.*] They were ready, with a fair Wind, from the 6th of June to the 14th. Why so great a Fleet as seventy-five capital Ships, and make no use of that Wind to go over to the Coasts of *France*? Mons. *Tourville* was not ready to come out. This I take to be the ground of all, not hindering the Enemy from coming out; and, instead of that, did not sail till the 3d of May.

Sir *John Parsons.*] This will appear a lame excuse of the Admirals—They were ordered four months Provisions—

Mr *Wharton.*] I am of opinion with *Parsons*, “That want of Victuals is a lame excuse.” I would ask the Admirals, when they parted with *Rooke*, whether they

took any survey of what Provisions they had on board?

The Admirals [*Killegrew, Delaval, and Shovel*] at the Bar.

The Speaker.] What day did the three Admirals go on board the Fleet?

The Admirals.] We beg the favour to have the Questions in writing. We went on board the latter end of *April*.

*Question.* From *April* to the 22d of *May*, what survey was taken of Provisions?

*Answer.* The Ships were not all together; they were in several Ports. We cannot make Answer to the survey, till we look over our Papers. There were seventy-five great Ships at *Spithead*, on the 6th or 7th of *May*—It was the 13th or 14th before the *Dutch* came in.

The Speaker.] The House is informed, that, from the 6th of *May* to the 14th, the Wind was fair to come before *Brest*, to prevent the *French* coming forth.

*Answer.*] Our Orders came not to our hands till the 20th. So great a number of Ships do great mischief to one another, when the weather is not settled. Our Orders were to take *Rooke* into our company. He answered, “He wanted some Provisions.” He wrote to the Commissioners of the Admiralty, and we could not sail till the 30th. The Wind was against us—Several Ships were ready, but they wanted Provisions. But it can never be expected, that we should keep account of our Provisions. We issue out our Orders to every Flag, and they to the Captains, who return the wants to the Admiralty-board.

*Question.* To what time did the Provisions last?

Admiral *Killegrew*.] 'Tis impossible to give an Answer to that. I hope this House will exact nothing impossible from us. We came to *Torbay* the 21st. We cannot carry Numbers in our heads—We sent a particular account to the Admiralty of all Ships, from *Torbay*, when we got all our Ships together—We took account of the Captains, two or three days after parting from *Rooke*—For account of Beer, we cannot rummage the Ships; for other Victuals, we took account but in part.

*Question.* When you were surprized that your Instructions were contrary to the Council of War, did you represent it?

*Answer.* We received our Orders the 20th, and called another Council of War, and resolved to sail the 24th; but the Wind

Wind was not good ; and hearing nothing from the Council, we supposed them to be their Orders. We took it to be our duty to obey Orders. We thought it not fit to capitulate. When we had positive Orders we must obey.

*Question.* Why did you part with the *Turkey Fleet*, before you knew whether the *French* were come out ?

*Answer.*] We had Instructions to go as far with *Rooke* as we thought necessary ; and the Resolution of the Council of War was our Opinion—Though we knew the *French Fleet* was out, yet we were to obey Orders—We find we are mightily blamed for our Orders to *Rooke*—All our Opinions were, that it was an improper Order, and not to be executed—We all desire to give our Answers to the Questions in Writing. *They withdrew.*

Debate.

*Lord Falkland.*] They answer, “ They had no Orders till the 19th of *May*.” ’Tis true, there were no Orders till then for *Rooke* ; but they had Orders, in *March*, “ That they should do their best to annoy the Enemy ”—They tell you, “ They had no account of their Provisions but at random.”—But did ever men go to sea, without knowing what Provisions they had on board ?—’Tis easy for a man to know from the Purfers. They tell you, “ They were surprized with the Orders of the 14th ;” and they say, “ It was not their business to capitulate.”—They had the *Turkey Fleet* in their hands—They say, “ Their Orders were not practicable ;” and yet not represent it !—We never heard this the 15th of *May*, nor the 23d. We never heard of it till *July*—How could we give those Orders, without knowing whether the *French Fleet* was out ? There was no impossible thing required of them, the Wind and Weather permitting. Their fault was, they did not know whether the *French Fleet* was out, and not they that gave the Orders.

*Sir John Parsons.*] This might have been easily rectified, without rummaging the Ship, by the Purser’s Indentures in Kind, Credit, and ready Money. I was formerly a Commissioner of the Victualling-Office, but

now a Contractor. I thank God, I was no Commissioner during these Miscarriages.

Sir Christopher Musgrave.] I have heard the Commissioners of the Navy make great complaint of the Victuallers. You are told of "Credit, and ready Money."—I think it no great "Credit" for *Papillon* to imitate *Parsons*. There is something of this that we do not know, which I would enquire of from the Commissioners of the Navy. I would know, from *Falkland*, whether all were ordered to go together? I think it was the Opinion given by all the Flag-Officers, to deliver to the Admiralty what their Opinion was—Upon the 19th comes the Order, by his Majesty's Command, before whom this Opinion of the Council of War was. I wonder that an Order came, and no notice taken of their Opinion, a thing of so great weight!—Upon this Order, transmitted to the Admiralty, they conclude to conduct the *Turkey* Fleet to *Ushant*. Now, in business of so great moment, why were not their directions from the Admiralty? There were no Instructions before the Separation.—But I think it was to justify themselves, come what will. I think the Order was a very lame Order. If the Resolution was not well grounded, they ought to have had a better.

Lord *Falkland*.] They had full power to fail when they thought fit. We have no reason to think the Orders were not practicable, because they said they would be executed. We could not know whether the *French*' Fleet was got out; but they should have known it. This is only that we should be kept in the dark—This shows they would neither obey the Orders, nor represent them.

Mr *Smith*.] Supposing the Orders ambiguous, they never sent to desire those Orders to be explained; but sailed away without it.

Mr *Montagu*.] You have examined the Admirals to one particular point. The excuse, in defence of the Admirals, is, "That they had not Provisions :" If they had,

had, then 'tis their fault. Pray first consider that You have asked the Admirals several Questions. They make exact Answers to some things, and are short in others—To take account of Provisions, surely, is not the part of an Admiral—If they had had their quantity, they might have fought the *French* Fleet, and then any Country would have given them Credit. I propose this Question, “That there was a sufficient quantity of Beer to convoy the *Turkey* Fleet out of these Seas.”

*Sir John Lowther.]* None of the Victuallers say the Fleet had four Months Provisions. When the Lords of the Council went down to the Fleet, they were so far from being victualled, that they were still carrying on board.

*Lord Falkland.]* The Admirals confessed they had forty-eight days Beer on board.

*Mr Foley.]* I find, upon the whole matter, that one third of the Victuals were not delivered in kind. They had all other Provisions; but the Beer is the Question. The Return made by the Pursers to the Admiralty, was forty-three days Provision—They might have fallen in with *Rooke*, at that time. But I observe that this survey of the Beer was not till the Admirals parted from *Rooke*. The mischief of allowing this way of victualling will be of great inconvenience—Because the Victual was so strait, they stayed till it was too late to go. The Victuallers had two Men of War to convoy them to *Plymouth*; but a *French* Privateer took two, and they looked on.

*Sir John Parsons.]* They had express Orders to victual for four months—As soon as they came to Sea, they put six men to four mens allowance; which might have been Victual till *Christmas*. But I am apt to believe there was not so much—The whole of the Beer, for four months, was put on board the Ships for the Descent.

*Mr Finch.]* Give me leave to remind you, how this Debate began, and how it has been proceeded in.—  
1. You have adjourned hearing *Rutter*. Then the Book of Orders for Reasons why they stayed at *Torbay*, and

did not go out, pursuant to Orders—Then the state of the Victuals in *May*. Then you called in the Admirals, and asked, Why they stayed from the 6th to the 16th, and did not go out? “ 1. They were not under Orders.” “ 2. The Line of Battle was not full. And, “ 3. They wanted Victuals.” I remember, it was said, “ They were under general Orders to annoy the Enemy ;” if they had advice of it, then how pursued? When that comes, you have opportunity to search that to the bottom. This is a Question that involves the consideration of the whole matter, which depends not upon the Victual. How far they were to go to convoy them from the *Brest* Fleet, and *Toulon* Squadron ; whether they were to go to *Cadiz*, or how to proceed with respect to the *Toulon* Squadron, you will understand better, when Gentlemen please to open that matter. This does accuse, or excuse those Persons. As to the Victuals, the matter is of weight. Now, whether these Ships had reason to stay in *Torbay*, for want of Victuals? Therefore have the Commissioners of the Navy to give you account what Victuals were on board. The Question is not, what Beer was on board them for *Lagos-Bay*, but whether, by Order, they were to part from the Fleet at *Cadiz*, or go farther.

Sir *Edward Seymour.*] I make no doubt but their Orders were “ to annoy the Enemy,” if they met with no opposition but Wind and Weather—But as to the Victuals, when setting out the Fleet, I called for an Account ; and the Victuals were said to be for four Months ; but now 'tis explained, “ that a third part was in Specie, a third part in Credit, and a third part in Money.” As long as this is so, 'tis impossible to say what Provisions were on board. If they went off from the Coast, at Sea they could neither have Victuals for Money—Therefore have the Commissioners of the Navy before you, and know what was on board in Specie. What I mean is, the Columns of Indenture between Purser and Victualler. If so, then the Victual in Specie is only for five Weeks.

Sir

*Sir John Lowther.]* See the Account of the Victuals, and the Survey taken on board; then you will see, by comparing, to make a judgment. I agree with *Wharton*, "that there are several other things as material;" but as for this Question, you are not ripe, by any means, for it; you have not the matter before you; the Gentlemen have better information than myself, that are ready for this Question about victualling. The Admirals deny the matter of fact, and that is not yet rectified.

*The Speaker.]* The Objection against the Question is, "That there is not yet given in what Victuals they had in Specie." What Beer they had at *Torbay* you have not. The Question is, "Whether they had sufficient Beer to convoy *Rooke* out of danger?"

*Mr Boyle.\*]* You have not yet Evidence to give a Vote upon; and therefore put the previous Question.

[To proceed on *Monday*.]

[*November 23, 24, and 25*, Omitted.]

*Monday, November 27.*

[Debate on the Miscarriages of the Fleet resumed,]

The Commissioners of the Navy being called in, said, "The Fleet had forty-six days Beer."

*Mr Howe.]* I would not give my Vote, like the Admirals, that go to Sea with oracular Instructions.

*Mr Comptroller Wharton.]* Whether the Admirals had Beer enough to go to Sea, to carry the *Smyrna* Fleet out of danger? Whether they had Provision enough to keep out to Sea, to convoy the *Smyrna*

\* Youngest son of Lord *Clifford*, and grandson to the first Earl of *Burlington*. He was naturally endowed with great prudence and a winning address, and distinguished himself so much in Parliament, that he was made Chancellor of the Exchequer by King *William*, and was much in favour with that Prince. He continued in that Post till 1707, when Queen *Anne* appointed him one of her Secretaries of State. On the Accession of King *George I*, in 1714, he was created Lord *Carlton*, and was soon after made Lord President of the Council. He died unmarried in 1724. *Budgell's Memoirs of the Boyles*.

Fleet out of danger? Whether they obeyed their Orders like wise men, and honest men, to leave the *Turkey* Fleet before they were out of danger? is your Question.

Mr Finch.] Is this a proper Question, and fit to be put? If they had no Orders, and knew not where the *French* Fleet were, 'tis not the Question—The meaning of the Question is, having thirty-nine days Provision, to convoy them out of danger of the *Brest*-Fleet—But they were not out of danger of the *Toulon* Squadron. Had they Provision sufficient to convoy them from the *Brest* Fleet, and *Toulon* Squadron? So this Question supposes they had Orders, and that they knew the *French* Fleet was in *Lagos-Bay*.

Sir Robert Rich.] Something was spoken, by Finch, of “the rubbish part of *Palme's* Speech.” I have seen “rubbish” make good mortar. Suppose they had said, “they wanted nothing but Anchors and Cables”—The Commissioners of the Navy have told you, “they had full Victual.” If Orders were good, and they not in a capacity of obeying them—

Mr Sollicitor Trevor.] One Excuse of the Admirals is, they wanted Victuals—Consider what the Admirals have for their justification! The want of Victuals. This Question will justify the Victuallers, but not condemn the Admirals. But when this Question is over, then 'tis a proper time to enquire, whether that proportion was sufficient.

Mr Montagu.] When you adjourned the Debate, it was because you had not the whole matter before you. If this Question before you be not proper, no Question can be proper. When you find they had sufficient Provision, &c. the next is, what Orders?—They had sufficient Provision to prevent *France* from over-heading us again, and they might have done it. *Lagos* is a great and deep Bay, and they might have preserved the *Smyrna* Fleet from danger, and the whole Fleet too.

Lord

*Lord Falkland.*] There is more concern in the Question than the Admirals. If they had not Provision sufficient, the fault is somewhere; if they had not Orders, somewhere else—*Rooke's Fleet* fell into the *French* hands eleven days after the Admirals left the Fleet.

*Sir Robert Rich.*] The most eminent Merchants never feared the *Toulon* Squadron. *Rooke* had strength enough to fight the *Toulon* Squadron. Most of the opinion of the Merchants was, that the Count *D'Estrées* was as much afraid of *Rooke*, as *Rooke* of him.

*Sir William Whitlock.*] I wonder the Admiralty should not give directions to convoy them out of danger of the *Toulon* Squadron, as well as of the *Brest*; they, it seems, thought as much of the one as the other.

[*Resolved*, (on a Division, 188 to 152) That there was sufficient Beer on board the main Fleet, when Sir George *Rooke* separated, to have convoyed Sir George *Rooke*'s Squadron, and the Merchant-Ships, out of danger of the *Brest* Fleet.]

*Wednesday, November 28.*

An ingrossed Bill for more frequent Elections of Parliaments, (brought in by Mr *Brockman*) was read the third time.

Debate.

*Sir John Lowther.*] Declare the matter of the King's Negative Voice, and let the word "holden" stand.

*Mr Harley.*] I am for the word "Parliament holden," because you are possessed of it; and it is not for the interest of *England* to part with a word, in so many Laws made use of.

*Sir Robert Rich.*] A doubt arises from them against the word, that the King's Prerogative of dissolving Parliaments is taken away; but if it be only meant and intended, that a Parliament must be every year, if others intend something else, let them say so.

*Lord Falkland.*] This Bill is of great consequence; the intent of it is good, and to have frequent Sessions

\* The words, "and the *Toulon* Squadron," were rejected, 191 to 165.

of Parliaments, and a new Parliament. I am for the intent of the Clause. Instead of the word "holden," I move, that it may be a Parliament to meet once a year, at least.

Mr Montagu.] To the word, "declare." If it be the intention for annual Sessions, give me leave to offer my opinion why I am against it. Though those Acts mentioned do enjoin it, yet there have been no complaints for not calling Parliaments so frequently. In King *James I*'s time, when the Commons did insert all their rights and liberties, they make no mention of these laws. But the Constitution of the Nation was quite otherwise then, for the Parliament judged causes, and made explanations of Laws, upon the desire of the Judges, which now they do in *Westminster-Hall*: But to determine to meet actually, whether there be occasion, or not, I think not proper.

Mr Harley.] I keep strictly to the word "declare." You have been told that no complaints have been made, that those have not been annual Sessions; but there were complaints for want of Parliaments, and so enacted 50 *Edward III*, "That there should be annual Parliaments. There was an Act already, and it should be observed." The Bishop of St *Asaph* opened the Parliament from the King—That there were not frequent Parliaments, but as for that of King *James I*, they tell the King, "that if Kings were immortal, they had no need of such Laws," but they proceeded farther; "they know not what Kings may come, therefore to provide against oppressions"—The Prerogative always increases, but the Liberties of the People are at a stand.

Sir *Edward Seymour*.] I could wish our condition such, that we might support the Government, without Parliament. I would willingly bate my share in Parliament to have a share in that condition. I am not very fond of these words, because we had them three or four hundred years ago, and are never the better for them. Is the Prerogative of the Crown less than in *Edward II*'s time? At that time all the Laws of a Parliament were but

but one Law, in *Items*. In those times the King took one and rejected another, and so the Judges were in doubt, what passed for a Law, and what not. Some Laws that passed are not in the Roll. Will you put in a word that may be doubtful, when there is no need of it? I know not what improvement may be made, in time to come, of a word doubtful.

Sir *Charles Porter* \*.] I think it absolutely necessary that this be put to some certainty; else Parliaments would be in power to sit as long as they please, and the King not have power to prorogue nor adjourn them. If you pass this Clause without a plain explanation, it may be of ill consequence. I would so explain it, that it may not be a question hereafter. Sometimes the Crown, and sometimes the Commons, differ in expressions of words, and this is a word that may be fundamental. I move that this may be so explained, that what you intend may not encroach upon the Prerogative of the King.

Sir *Chrif. Musgrave*.] You have no Clause before you, only the word, "declare;" that word is only moved. I see no reason of the difficulty why you should not insert the word, "declare." Is it not always meant, you have a right when you declare? It was a right the subjects had to frequent Parliaments; and if you now enact, and not declare, I fear your right commences from that time only.

Mr *Palmes*.] Frequent Parliaments, and the Dissolution of this, was the thing I aimed at before, and so I do now.

[The Clause was rejected 129 to 89. And the Bill was rejected, 146 to 136.]

[On the King's Speech.]

Mr *Hampden*.] You have considered the Fleet, and another part of the King's Speech, very material, *viz.* The Land Forces, is behind. Unless you grant a Supply, I know not how you can support the Government, the Treasury is so low. Nothing at all has yet been

\* One of the Lords Justices, and Lord Chancellor, of *Ireland*.  
said

said of it. 'Tis so necessary to have a consideration of it, that I move, That you would grant the King a Supply for the Land Forces.

Earl of *Ranelagh.*] I second the Motion. I must tell you, the Army is in very ill condition. In their quarters in *Flanders* they have no money, and no credit.

Sir *Thomas Clarges.*] A Supply is moved for, but I cannot allow we have an Army in *Flanders*; you have no obligation to have an Army in *Flanders*. Vast sums have gone thither, which can never return; besides our loss at Sea. If the Privy-Council advises not the King, we must do it. Had we attended the Sea, the *French* could have done little in *Flanders*. It goes to my heart that the King of *England* should be at the head of a Confederate Armies. I hope that, when it comes to be debated, you will think the Army is for defence of the Kingdom. We had no assistance in conquering *Ireland* from the Confederates; we needed them not—The year's expence of *Cromwell's* Army was but 600,000*l.* If we come to that pass that our Army cannot preserve us, we shall be a despised people—By the fundamental Law of *England*, no *Englishman* can be forced out of *England*, without his own consent. Men have been found sent to the *Tower*, that would not go beyond sea, and if well proved you might impeach the Lieutenant of the *Tower*. In the year 1672, *France* took three of their Provinces—The Duke of *Brandenbourg* sent then 30,000 men, and now but 6000—They took the three Provinces again, and made a good Peace for themselves—The *Hollanders* rather get than lose by this War—They provide for our Army, and their own too—Butter, Cheese, &c. If two Millions go out of your main stock, what will become of you? Let us not talk of giving money, and not know where to raise it, to the derision of all the World.

Sir *Edward Seymour.*] Time is too precious to delay. I wonder what *Clarges* understands the Parliament should make exceptions to. What these Land-Forces are, and how

how to employ them to another purpose—I move, That a Supply may be granted for the Land-Forces.

Col. *Cornwall.*] I ask pardon if I do not very well understand the Question. If you mean to supply the Army as the Fleet, I can come up to it. I desire they may have 3 or 400,000 *l.* for present supply.

The Speaker.] You cannot go into that Motion without going into a Grand Committee.

Sir *Christopher Musgrave.*] You can only make a Motion, and then consider whether you will go into a Committee of the whole House.

Sir *Thomas Clarges.*] Seymour said, “I spoke little to the purpose.” I am so used to reflections that I take little notice of them. When Lord *Ranelagh* brought up the Forces to be 60,000 men, I thought it my duty not to let that go so. I observe that, when the Apostles spoke the truth of the Word, it was opposed by the Silversmiths that made the Shrines for *Diana’s* Temple.

Earl of *Ranelagh.*] Though he makes that comparison, I am sorry for reflections—As for the 60,000, I said nothing of 60,000 men. You voted 54,000 last Session. I said, “The Forces in *Flanders* are in a starving condition for the present.” What is proper to be done now, is only, That a Motion being made, &c. this House will consider of that Motion.

*Wednesday, November 29.*

[Debate on the Miscarriages resumed.]

*John Rutter* was called in.

The Speaker.] This House has been informed that you can give account of the *Brest* Fleet, &c.

*Rutter.*] I have given my Narrative upon Oath made to the Council. When I was before Admiral *Killebrew*, taken as a Prize, for taking in Currants from *Nants*, without Orders, I said, “I had done nothing but what I had orders for the 7th of *May*.” In the morning I discovered six of the *French* Fleet, at anchor, and heard a Gun to give signal—I was carried before the Admirals, and gave account of fifteen sail of *French*, and four more sail—I saw that nobody took notice of what I said—He took

took my Pass from betwixt his fingers, and bid me withdraw—*Killegrew* was hot upon me about my loading—*Shovel* did ask me something, what it was I cannot say; I believe something of what I did see, and discover. He took my Pass, and so I did withdraw. Capt. *Kerr* was by, at some part of it, but his business was to get me as a Prize, which would be worth 2000*l.* to him. He said nothing, but “that I must deliver my loading to the Prize-Office.” Capt. *Kerr* met me on the Deck, when I did withdraw; only his Lieutenant came on board my Ship. I am not able to say what passed from *Kerr*, but being distracted about my Prize, I cannot remember—I met some coming out of the Channel, I suppose the *Smyrna* Fleet—I told it my Ship’s Company—I am not able to say whether I did discourse of it to Capt. *Barker*, Captain of the *St Vincent* Fire-Ship, but I supposed I might say something to him—’Twas spoken often amongst my Ship’s Company—They might have some Prizes coming out of *Dunkirk*. I observed some Ships coming out of *Brest*, just as the Sun came from the Horizon—I had eleven Sailors in my Ship—I had two more that were sick in the Cabbins. I told my Ship’s Company, who were most sick and dying, I would make all the haste I could to *Conquest-Road*—I met with a Privateer, a tier of 6 Guns and 10 Patteraroes—The Lieutenant told me he was chased the day before, and if they had followed, he must have been taken—I never related any thing to Capt. *Kerr*, that the *Brest* Fleet was failed up—I came ashore at *Portsmouth* the 14th of *May*—I came not up hither in three weeks—As soon as I came up, I went to the Prize-Office about my Cargo of three or four Ton of Currants taken from me. I was in the Prize-Office, with Mr *Parkhurst*, and told him, in the Garden, the same I have done here. Major *Churchill* was concerned in the Cargo, and one Mr *Alston*. I was at *Portsmouth* some days after I landed—Mr *Alston* can give account of the time—I did sign my examination before the Council. No person whatever has been with me to make good this examination.

Mr *Parkhurst*.] There was a sale of these Currants on the 14th—Hearing what he had said of the *French* Fleet, I was willing to hear him, and he gave us this relation, as you have heard—All his men were sick, but three, and he had not men to sail his Ship—He got one.

Rutter.] I told Capt. *Kerr*, “That some Ships were stirring, and if I did not make sail, I must bury my sick men”—I suppose then the *French* Fleet were out, and I told my Mate, *Castle*—They came out of *Nantz* River on the 6th, and I saw this on the 7th—All my Company but two and a boy were buried at *Nantz*.

*Nantz.* Capt. *Kerr* would have pressed my men, but I had none, but my two Prisoners that I brought from *Nantz*, and two men and a boy. The rest were all sick. My Ship was 120 Tons.

The Speaker.] Why did not you discover this intelligence to others besides Mr *Parkburſt*, and Major *Churchill*?

*Rutter.*] I do not remember—I have been a Seaman these 30 Years, born in the Isle of *Thanet*, by the *North Foreland*. I have been Master, and Mate, 20 Years and upwards; have been eight years employed by Sir *William Scawen*, and Alderman *Lucy*, and others. I have traded in the *French* trade 21 Years and upwards. I have served 20 Years apprentice to a Fisherman, and have my Neighbours ready to give account of my conversation. Several Neighbours and Merchants can testify of me—I saw fifteen sail, and four more coming out of *Brest* to windward, before the Wind, almost together. *He withdrew.*

*Sir William Scawen.*] I have known *Rutter* these eight Years, and he has always served me very honestly, and has the same repute upon the *Exchange*.

Serjeant *Thurban.*] I have known this *Rutter* these 19 Years. He lives in *Ramsgate* within the Jurisdiction of my Borough. I have had no dealing with the man, but I always have heard a good Character of him. I have heard this from his Neighbours, and all give credit to his information.

*Sir Samuel Barnardiston.*] I enquired after him on the *Exchange*, and have not heard a better Character of any man.

*Col. Lee.*] I know not whether his Character will answer your expectation of Gentlemen. Upon the Revolution he behaved himself bravely. He applied himself to his owners to be a Privateer, who could never get any account from him, and so were not willing to let him be a Privateer.

*Sir John Fleet.*] I have no particular acquaintance with the man, but I have heard of him, to be an honest man, by all that have dealt with him.

Mr *Machell.*] I'll tell you a fault that perhaps this man cannot get off from, *viz.* That he took Lord *Peterborough* prisoner.

Mr *Howe.*] I shall only make this observation, that I have known many pass for very honest Gentlemen, and, in this corrupt town, five or six years ago, they have proved otherwise. I reflect not upon the man, but let every one judge.

*Daniel Castle.*] I was *Rutter's Mate.* Under St *Matthew's Point*, the 7th of *May*, *Rutter* said, "He saw some Ships at anchor, and some under sail, and heard a Gun for more Ships." *Rutter* ordered to loose the Main-sail, and steer, for fear of being stopped. I saw the Ships, when I was with *Rutter* on the Deck. Hearing the Guns fired, we made all the sail we could. We took them to be part of the *French Fleet*. I heard twenty-five Guns fired, as more came out. The two Prisoners that were aboard us, saw it. They assisted us in bringing home our Ship, and a Carpenter, a Prisoner; the rest of the Ship's crew were sick and weak in the Cabins. We took them to be a Squadron of the main Fleet. I did not acquaint any person with what I saw, but believe my Captain did on board the *Lenox*, and the Flag. I remember Captain *Kerr* came on board our Ship, but I was not well when he came on board—There was such a discourse in *France* that their Ships were unrigged. But they were pressing men—The *Lenox* took us as Prize, and carried us to *Portsmouth*. A *French Privateer*, off from the *Lizard*, told us he had been chased, and that either his Mast, or Yard, was broken, but I heard nothing of the reason why the *Lenox* did not take him. I was carried on board the *Lenox*, and the two Prisoners. I was never examined, nor ever acquainted any with what I saw, nor had any discourse. I came ashore on *May 14*. I was three days on board the *Lenox*. I discoursed with no man there, and came to *London*. Our Ship was an hundred and odd Tons; we had eight or nine men to sail her.

Major *Churchill*, of *Portsmouth*] *Rutter* has been employed by me to carry *French* and *English* Prisoners. I asked him "what was the news?" He told me, "the *Brest* Squadron was out: Five were at anchor, and four more were coming out." He said, "He was carried on board the Admirals, and gave them account of it." He told this to me, and twenty more, at *Portsmouth*. I believe it ten days after his coming, and soon after the Lords of the Council went away, I did tell this to abundance of friends, and relations, I had in town. *Rutter* told it, I believe,

believe, twenty times, in Company of Captain *Barker*, and Mr *Alston*. I have known *Rutter* above nine months—He observed, “That fifteen more *French* Ships were coming out, and by firing their Guns he believed they might be forty sail coming out.” This discourse he had in my Compting-House, when he came from *Portsmouth*, as I was writing. I heard him speak it upon the *Exchange*. About the 7th of *May* he saw them come out of *Brest*. He never made but one voyage for me before—He performed his voyage very well. A Broker brought him to me at first; he was of good credit, and employed by Merchants, Owners of Ships, for several years—He was on board the *Britannia* at *Spithead*, and acquainted the Admirals with all this matter that he has said; the Admirals took little notice of what he said, only Sir *Cloudesley Shovel* asked him several Questions, and was very inquisitive where the *French* Fleet was; and he told him all this matter.

Sir *Francis Child.*] *Rutter* did say, “That Admiral *Killegrew* turned from him, and took little notice of what he said; the rest of the Admirals were in the room, and he addressed himself to Sir *Cloudesley Shovel* for his Pass.”

*Rutter.*] In *Nantz*, they asked me, “where the *Turkey* Fleet was?” I told them, “they were ready to set sail, with thirty Men of War.” They laughed me to scorn, and said “they knew better.” There was a discourse at *St Malo*’s of laying up the Fleet, but nothing at *Nantz*. I never said a word that the *Brest* Fleet was unrigged—There was much pressing before I came away, sending to *Brest* with all expedition. Captain *Barker*’s boat brought me on board the *Britannia*, with only the boat’s crew, and the Coxswain. I went immediately to the Admiral’s cabbin-door. I waited there a quarter of an hour—Some Gentlemen were standing at the cabbin-window, but said nothing. I expected to have been asked several questions, but I heard none.

Sir *John Lowther.*] Now *Rutter* tells you, he was asked no questions, nor gave any account of the *French* Fleet, but they told him of his being called in question, if the Parliament had sat, for carrying *French* Goods.

Mr *Foley.*] ’Tis time to make an end of this matter; and I know not how, unless you call in the Admirals, *Carr*, and *Rutter*, and his Mate, and confront them all together.

[The three Admirals and Captain *Kerr* were then severally called in and confronted with *Rutter*. The Admirals were afterwards called in, and heard; and then withdrew. And the Question being put, That it does appear to this House, that the Admirals, that commanded the Fleet the last summer, had, on the 11th day of *May* last, Information that part of the *Brest* Fleet was going out to Sea; it passed in the Negative, 170 to 161.]

[November 30, December 1 and 2, Omitted.]

Monday, December 4.

An ingrossed Bill, touching free and impartial Proceedings in Parliament, was read the third time.

Sir *Edward Seymour*.] I would not, by any ways and means, disgrace that body of men from whom must arise our Security—The late Long Parliament did stand against Popery and the *French* Interest—To say those Laws were passed by corrupt men, that the House was filled with!—Next, in this Bill, no person to be chosen a Member is capable of an Office—The Question was formerly, “What will you do for the man that the King delights to honour?” And now, What disgrace will you put upon him? I think this a great reflection on the Country, and will you establish these reflections? There are other ways than Places to corrupt men, which may be turned into Pensions—And by this Bill you establish nothing but reflections on your Country.

Mr *Harley*.] I can hear no argument against the Bill—’Tis objected, “That this Bill will put a reflection on the worthy Members that have Offices;” but you have taken care of those that are to come hereafter, but not those in present. As for former Parliaments, it is best to pass them over in silence. And as for “the King’s honouring men,” no doubt but the King will honour them who best deserve it. If the People make choice of one in Office, they are not deceived, but if they accept of an Office, it voids their Place—People may be deceived in their choice. In the first of King *James I*, the Chancellor, studious of the good of the Kingdom,

Kingdom, sent down to the House of Commons a list of the Members in Office, and they were turned out of the House, and new Writs were sent out, and new Members chosen, that might attend the business they were chosen for.

[The Bill passed.]

*Tuesday, December 5.*

[The Earl of Ranelagh, by his Majesty's Order, laid before the House the State of the War, in relation to the Land-Forces, for the Year 1694, amounting in the whole to 93,635 men, and 2,881,194 l. 16 s. 3 d. annual Charge.]

Debate.

Sir *Thomas Clarges.*] The Forces given in are 93,000, in the whole. It was never known that an Army of near 100,000 was raised. The King is a gracious Prince, but consider what a Precedent you make! This is a good King, but other Princes may say, "The like has been done," and so we may be slaves for ever. Parliaments have been always careful of making Precedents. I move, "That the Lords of the Council may sign this List," that we may know whether this be *Dutch*, or *English* Counsel—I would know who must answer this? But I will dare say, that no Treaty obliges us to one man. But if this must go, whither will this obligation go? The last Year, you called for Treaties, and you had but one offensive Treaty with the States produced, signed by Lord *Nottingham*, &c.—I would see those signed, and not prostitute the People of *England*. If we shall be slaves, it is no matter who we are slaves to. If you agree to this number, I cannot tell how to help it; but I move, "That the Lords of the Council may sign this List."

Sir *Christopher Musgrave.*] No wonder we are surprised at this number, when we have nothing before us, but just reading the Papers. Because we gave last time without seeing the Treaties, now they bring us [the like again.] If there be any such Treaties with the Allies, in God's name, let us see them. These are no more than if so much money was demanded of us. Let us make an humble Address to the King, to lay these Alliances be-

fore us, and then we shall be able to judge what proportions come to us. One would think that this was *Dutch Counsel*; else we should never be put to contribute at this rate, to ruin *England* to preserve *Flanders*. I know no consideration for this but our labour for our pains. I would address the King, &c.

Sir *Francis Winnington*.] I am much surprized at this Estimate, and to observe that the more we give, the less success we have. I have heard from Mr *Vaugban*, in this House, “that no sum of Money was to be asked here, but the cause was laid before us.” What signify all our Laws, if we have no Estates? The Nation is not at its ease, so as to give such sums. We are told that still there is a vast debt behind; but there are vast Pensions and Gifts—Every man ought to know the reason of this. If this vast number will ruin *England*, we must not support *Holland*. I would have the Alliances produced, &c.

Sir *John Thompson*.] I would defend the Confederacy as far as we are able. When *Holland* was in danger, they made us pay 600,000*l.* for that little assistance they sent us. I am apt to think that many of the misfortunes to us in *Flanders* are for having so many men there. Their Army lost not so many—The *English* were knocked on the head, and we had not so many men, we had not so many detachments, and so the *French* beat up our Camp. All we have hitherto given amounts to no more effect than to be beaten abroad, and beggared at home.

Dr *Barbon*.] I should be loth to see Trade regulated at *Amsterdam*, and War at the *Hague*. If this number of men be found reasonable, I shall agree to it. If not, I would call the Advisers to account.

Sir *John Dorrell*] I am amazed at this Estimate as much as any man. The objection, want of success—But when the fathers have eaten sour grapes, the Children’s teeth are set on edge—The last reigns made the *French* so great, that we cannot now pull them down. *Cromwell* neglected *Europe* to save himself. And the two last reigns

reigns went in the steps of *Oliver*. Either we must be at the charge to pull down this vigorous Monarch, or not. If we will lie down to be trodden on, we may. But let the sum we give be laid impartially, as in other places—This charge is borne by the fortieth part of *England*. If every shoulder bore part of the proportion, the sum of two Millions would be easily borne—I join with the Motion for an Address.

*Sir Charles Sedley.*] This Army is not so dangerous as is said. It is to defend us from *France* and *Popery*. If *Holland* be destroyed, it is our turn next. The King tells us of the want of Numbers, and certainly Numbers must be continued, if not increased. There is a great and terrible sum to be raised—But we are not yet under Excises. This sum will be great, but the Nation cannot be saved without it—We cannot be safe without an Army; neither safe at home, nor considerable abroad—

*Mr Harley.*] I do not doubt but this House will consider the necessity to preserve the Nation and the Confederacy, so much as belongs to us; but that is not the Question before us; but the Treaties and Alliances. I hope, when we raise the Money, that we shall satisfy them that sent us—When these are before us, then it will be time for us to judge—That which surprizes me is what is talked of “general Excises,” on both sides the House. [Let us be careful] that what we give this year we may be able to give the next, without filling the Nation with Publicans, and the House with Excisemen.

*Sir Thomas Littleton.*] You had the Alliances last year before you, and I think none were broken. The King tells us, “That our Allies declared they would augment in the midst of their distress;” and they did very wisely, and seasonably, to keep up the hearts of their People. Nobody doubts but that the King tells you true of the want of Men—*Thompson* tells you, “If you had less men, you would have less killed;” and I say, if you had had none, you would have had none killed. If the *French* King be wearier of the War than we, less Money

will carry it on. The manner of collecting the Tax, &c. has been a Grievance, but nothing has been said of an Excise—If the *French* King can, you can easily carry on your Taxes; he will be the sooner weary. But why should we be surprized that this is a greater Estimate of our Forces?—*Clarges* is an able Member, and always speaks to instruction. He tells you of Precedents, &c. But was a Kingdom ever in such a condition, the Enemy stronger than you? I am sensible that, in the late Reign, People without doors were ready to give, who now value themselves upon saving your Money, when you are upon the utmost extremity—I believe the Country would rather part with their Money, than dwindle away from year to year—Suppose it should fall out, that the Confederates should leave us; but if we leave them, the *French* King will be quickly full of Money, and over-run us all—

Sir *Thomas Clarges.*] All Treaties last time were defensive, not offensive, &c. and that with *Denmark* should not extend to an offensive War with *France*—

Sir *John Trenchard*\*.] The last year you sent such an Address to the King, and the Treaties were laid before you—The Treaty of *Charles II* with the States—I propose that this lie upon the Table, and the House consider whether the whole or part.

Sir *Thomas Clarges.*] The Treaties before you the last time were partly defensive—I remember, the Treaties of *Charles II* were brought to us—All defensive Treaties—“They shall be maintained at the charge of the party sending;” but is it for us to be at all the charges? If aid be called for from us, we must judge of the Treaties.

Sir *Christopher Musgrave.*] I was one of the first that made the Motion for these Treaties, and see no reason

\* Secretary of State. He had been engaged far with the Duke of *Monmouth*, but got out of *England*, and lived some years beyond sea, and had a right understanding of foreign Affairs. He was a calm and sedate man, and much more moderate

than could have been expected, since he was a leading man in a Party. The bringing him into that Post was ascribed chiefly to the great credit which the Earl of *Sunderland* had gained with the King.

*Burnet.*  
why

why we should relinquish it. But you have been told, by *Trenchard*, of new concerts; therefore I would know what before, and what augmentation must be made now. I would have before us what should induce us to consent, and not do it, without knowlege; and if there be any Treaty, pray let us have it. I am more concerned than before, “since a general Excise” has been talked of, for then adieu to our Liberties at a blow! I would know what our Allies were before, and what they are now.

Sir *Thomas Clarges.*] Treaties are not verbal, but in writing. Since the House waves the Privy-Counsellors signing the Paper of the Forces, pray let us see the Treaties.

Col. *Cornwall.*] When we must come in to the Confederates *totis viribus*, I would know why they have not their Numbers complete? I would know what is become of these men? We shall pay above double, and they not above half. Perhaps you may make the *French* King bring some of his men out of *Germany*, and be the weaker. Your increase of Forces will be of no use—I believe they have not Officers in *Holland* that have judgment to manage so great an Army.

Lord *Colchester.*] If you do not increase your Forces, the honour of *England* will be lost. Though I have the best opinion of the *English* of any men, yet if they be so often baffled by numbers, they may become like other men—if we can come up with numbers equal to the *French*, we shall beat them. What induces me to this is my love to my Country, and my Religion. I love my ease as well as other men—I doubt not but, if we keep up our number, the King of *France* will come to ask a Peace at the House of Commons door.

Col. *Cornwall.*] I have not so much experience as Lord *Colchester*, but in one year I have seen more done, than in four years since. I do say, our Forces were so equal before they drew out the Detachment, that I ask, if the *French* durst have attacked us, if the Duke of *Wurtemberg* had not gone out?

*Mr Harley.*] I speak to the wording of the Question. You say, the Forces shall be augmented. The proper Question is, “Whether the Land-Forces?” This Question may be multiplied, and run into an endless Debate.

*Sir Christopher Musgrave.*] You have not approved the List, nor any part of it. The Question is, “Whether the number for *England, &c.* shall be the number for this Year?”

*Mr Howe.*] I think you have performed your promise to the King, since he came to the Crown, and I hope he will perform another, to see his promises kept to us. Our Ancestors proposed good Laws, in exchange of the Money we gave them. I would know, whether you wish to be supported? Unless you better your condition, you are not fit to be supported—The King says, “What seems good to you I will do.”—Since it is not the Question, whether you will send Men into *Flanders*, you must either be strongest there, or make your Peace with them that are so.

[*Resolved*, That an humble Address be presented to his Majesty, by the Privy-Councillors of the House, That his Majesty will be pleased to command, that such offensive Treaties and Alliances, as his Majesty is now under with the Confederates, and the proportions of Forces that the Confederates are obliged to make, for the carrying on of this War, may be laid before this House.]

*Wednesday, December 6.*

Debate on the Miscarriages of the Fleet resumed.

*Sir George Rooke* attending, according to Order, was called in, and gave the following Account of the Convoy of the *Turkey* Fleet:

1. I desire, as far as may be, to be excused from giving any Opinion of the Gentlemen that were entrusted with the conduct of the Fleet; but what the House pleases to command me I must obey. I cannot tell what Opportunities the Admirals had, after I left them. I know not what Opportunities they had, when they came back, to know whether the *French* were come out, or not.

2. I

2. I know not of any intelligence they had, but I asked them, and they told me they had none.

3. There were several reports when we lay at *Spithead*. Sometimes, "That a *French* Squadron was out." The report at other times was, "That their great ships were disarmed, and that small Squadrons only were to come out." We had no intelligence after, but what I have said, which had no weight with me at all, and I did not acquaint the Admirals with it.

4. I did not call the Captains of the Merchant-men to a Council of War, till I came to the *Madeiras*. It was the 18th of *June* before I came to the *Madeiras*—And then I went to *Ireland*.

5. After the Signal was put out on board the Admirals, I had reason to think myself separate from the Fleet, and had not gone on board, if the weather had not proved fair, to receive Instructions for my Proceedings.

6. A *Portuguese* came on board me, but his intelligence was so contradictory, that it gained no credit with any body,

7. I did not send to the Coast of *Portugal* to know whether the intelligence was true, because I gave no credit to it—if it had been the *French* Fleet, it was happy I had not gone into the Ocean, and so made the loss greater than it was.

8. The result of the Council of War I know nothing of, but that it was unanimous.

9. There were general Debates and Arguments, and the Custom of the Council of War, as of all Councils, is, that they sign to the Majority.

10. I believe the result of the Council of War was unanimous.

11. I believe the gaining intelligence, in former Years, was by sending into *Brest-Water*, and taking Prisoners from the Shore.

12. I did understand, by their Resolution, what Measures to take.

13. I have the Minutes, which I took at the Council of War, about me.

14. As to the Admirals intelligence, it was said, "They had no Ships proper for that Service, to send in for intelligence"—I thought it unreasonable, and impracticable, to give Orders in steering our Course to *Cadiz*. All the Flag-Officers were of that Opinion.

15. We expected we should have intelligence, but thought it impracticable to go into *Ushant*.

16. The Council of War was on the 16th of *September*. I believe I did draw up the result, but there was something in it I could

I could not sign, and, I believe, that was the Reason why I did draw it up.

17. There was something proposed, at the opening the Council of War, which I could not sign, *viz.* "That the Orders the Flag-Officers had received, were executed according to the Resolution of the Council of War." I could not sign this, having been absent a great part of the Summer.

18. I humbly presume it is very well known to several of the Members, that it was never my Opinion, that the Fleet should proceed in the Circumstances they were designed.

19. The Captain of a *French* Fire-ship gave intelligence—And I have said it in my Paper. I know neither the *French* nor the *Portuguese* Language, and so must submit to an Interpreter, and what was said is in my Paper.

20. I sent to some Captains, and examined them apart, which I delivered in, in my Paper.

21. I never saw, nor heard of a *Fruit-Ship*, nor ever saw any Ship, but one *Dutch* Ship, from the *Terceras*, going to *Amsterdam*, till I met the *French* Fleet.

22. I remember not the Lords of the Admiralty, but I remember, that all the Flag-Officers went ashore with the Admirals, with the result of the Council of War.

23. I believe they delivered it to the Lords of the Council at *Portsmouth*, because they went on shore for that purpose; but of its being transmitted to the Lords of the Admiralty I know not.

24. As the Weather had proved, I believe we might have gone into *Brest-Water*.

25. I know not what Orders the Admirals had; they were private Orders, and I know not whether they went according to their Orders.

26. I believe I was about two Leagues off, when the Signal of parting was given.

27. I know not whether I saw the Orders of carrying the Fleet to *Lagos-Bay*. I heard them read, but dare not offer my Opinion in so weighty a matter.

28. I was present at the Council of War, on board the *Britannia*, the 22d of *May*.

29. The Signal of parting was proposed in case of bad Weather.

30. I approved the Station of 30 Leagues W.S.W. of *Ushant*.

31. I understood, that, when I came there, I should take further Measures what advice I should take, from the intelligence I should receive.

32. I have the Minutes of the Council of War of *May 22* about me---(which he read, and Captain Parsons's Letter he read,

*viz.*

viz. "I wish you may find out the Men that were the occasion of your not proceeding in *March*."

33. I think some other Flag-Officers made Objections to the Proposal; to the best of my remembrance, Lord *Berkeley*, and Admiral *Aylmer*.

34. The Proposal was not drawn up, but offered and proposed. I had been absent a great part of the Summer, and from the Council of War too.

35. We had not proper Ships for the service of sending to *Brest* (as before) June 4, and the men might suppose they were sent to be sacrificed—If I had committed Errors, I might commit more.

36. Early in the morning the Signal was put out. The Weather proved fair; and I suppose that was the Reason why the Admirals gave the Signal for the Council of War.

[He withdrew.]

Mr *Chadwick*.] If you have any thing to ask the Admirals, they are at the Door.

Lord *Falkland*.] I would ask the Admirals some Questions. You cannot else make a judgment upon the whole.

[Resolved, That the Admirals be called in severally.]

Admiral *Killegrew*, at the Bar.] I, being but one in the Commission, humbly crave, that those in the Commission may come in. I know not else what inconvenience it may be to us. Between the 30th and the 6th, we sent out our Scouts for what intelligence we could get. If we had sent into *Brest*, we must have lost our opportunity of sailing. A Vessel that was sent out, took a Fisherman, but he knew nothing—The Admiralty sent us word, that they had not cruising Ships—Had I sent a Ship in, which way could it escape? If I had thought it feasible, I would have done it. We did nothing of any kind, nor made one step, without a Council of War, where we three are but one man, and one voice; neither durst we have done otherwise, We endeavoured to get intelligence, but could not come at it. If Orders were sent to us, that we could not put in execution, I hope the House will not blame us. We gave *Rooke* no Orders, nor Instructions, at parting. [He withdrew.]

[Sir *Ralph Delaval*, and Sir *Cloudesley Shovel*, were then, separately, called in, and asked several Questions, to which they gave answer; and then withdrew. And a Motion being made, and the Question being put, That the Admirals that commanded the Fleet

Fleet the last Summer, by not gaining such Intelligence as they might have done, of the *Brest* Fleet, and not sending into *Brest* for Intelligence, before they left the *Streights* Squadron, are guilty of a high Breach of the Trust that was put in them, to the great loss and dishonour of the Nation ; it passed in the Negative, 185 to 175.]

Thursday, December 7.

Mr *Harley*, from the Commissioners of Accounts, acquainted the House, "That Mr *Francis Rainsford*, Receiver of the Rights and Perquisites of the Admiralty, having been examined before them upon Oath, as to his Accounts in general, did acknowledge, "That, about the 18th of *March*, the Lord Viscount *Falkland* sent for him, and desired to know "how much Money he could advance, as Receiver of the Rights of the Admiralty ; and that it would be for his Majesty's service to pay as much as he could." He then said, "He would pay 4000*l.*" That the 22d of the said *March* he received from Lord *Falkland* a Letter, expressing the Number and Value of the Bills required, and desiring him to take no notice of it to any one. That he had the Original of this Letter in his Custody till *Monday* last, when, being sent for by Lord *Falkland*, he shewed the Original to his Lordship, and he kept it. That, in pursuance of the said Letter, he attended his Lordship the next morning ; and then acquainted him, "That he could not bring his Lordship Notes that day for the whole 4000*l.*" Whereupon, his Lordship ordered him to bring Notes for 2000*l.* and to bring the other within fourteen days. That afterwards, the same day, Mr *Rainsford* brought six Notes for the Money, two of 500*l.* each, and four for 250*l.* each. That, upon the delivery of the said six Notes, Lord *Falkland* delivered to him an Order signed by his Majesty, for paying the 4000*l.* and also a Certificate of his Majesty's signing ; Copies of which he produced. The handwriting of the Papers he believed to be Lord *Falkland*'s. His Lordship, upon receiving the said Notes, gave him a Receipt for 2000*l.* And, after the fourteen Days allowed him for paying the other 2000*l.* were expired, Lord *Falkland* sent a Servant to the said Mr *Rainsford* ; and thereupon, he attended his Lordship about the 10th of *April*, with a Note for 1000*l.* and about the 20th of *April* with such another Note. Upon which, his Lordship took up his first Acquittance for 2000*l.* and gave him a Receipt for his Majesty's use for 4000*l.* That Lord *Falkland* did acknowledge, upon his Oath, before the Commissioners, "That, the 23d of *March* 1692-3, he did receive from Mr *Rainsford* Notes upon Mr *Fowles* for 2000*l.* but could not remember to whom those

those Notes were payable." And his Lordship said, " The same day he did, by the King's Order, deliver those Notes to one who is no Member of either House of Parliament ; and hath a Receipt for the same." And his Lordship farther owned the Receipt of the other 2000*l.* some time in *April*, which, he faith, is still in his hands ; and that he hath attended his Majesty, since his return ; who told him, " He had directions for him therein." ]

## Debate.

*Lord Falkland.]* I acknowlege the Receipt of 4000*l.* I have disposed of 2000*l.* of it, but not to Parliament-men. I applied to the King for his directions for the remaining 2000*l.* I can say no farther than I did to the Commissioners of Accounts. I received it by the King's Order, and paid it to no Members of Parliament ; and the rest is in my hands.

*Sir Christopher Musgrave.]* I have not heard of such a way of proceeding. It seems, there was great haste for the Payment of this Money ; but as great as the haste was, 2000*l.* is still in Lord *Falkland's* hands. But I must observe, that when a man is brought to your Bar, and ordered to attend, then for that Lord to send to him, and take that Letter from him, and say, " Be sure you tell nobody of it !"—How many public Purses must be in *England* ? It looks as if this Money was given—Bills of Exchange in other mens names !—I find my Respect can carry me to no other Motion, but that, if Lord *Falkland* has any thing farther to say, he may ; if not, that he withdraw.

*Lord Falkland.]* I had directions from the King to receive this Money, before he went into *Flanders* ; the rest I should pay as he should direct. I hope this is no fault, to obey the King. The Money was received by no Member of Parliament, nor was for the use of any Member—The Account could not be made till all the Money was received—I have paid it as the King has ordered, and so I shall do the rest. I desired the Commissioner to send me a Precept.—

*Sir Thomas Clarges.]* According to Order, Lord *Falkland* ought to withdraw. I would know the sense of the House in it.

Lord

*Lord Falkland.]* I believe, this Money was for the King's immediate use, and when I brought the King the Notes, he ordered me to pay it to the Clerk of the Closet for his immediate use.

*Sir Thomas Clarges.]* This Mr *Rainsford*, I perceive, *Lord Falkland* preferred into the Admiralty. He was pleased to send that Letter, "That what Money he could pay should be kept secret." *Lord Falkland* is a Privy-Counsellor, and brought Blank Notes to be signed by the King. It is the ordinary method, to pay Money by the Great Seal, or Privy Seal. That was not done like a Privy-Counsellor, to advise to put the King in a figure of signing Bills. It is a Breach of *Falkland's* Trust, and he ought to be tender of the Honour of the King—He took up the Letter again, and expressed himself, "That it should be kept very secret;" but if the Money was for the King's use, it might surely be no secret, to be paid by the King's direction. I think this Lord has not used the King very kindly, to keep the Money till he knew how to dispose of it.

*Mr Foley.]* I cannot but take notice, that all the Report carries a suspicion, that this Money is not to be owned. I cannot imagine, why these two Notes should be sent to the Goldsmith—I think, as has been observed, that it is a strange way of issuing Money. The Notes ought to be counter-signed. To whom these Notes were to be paid, must be kept private—Four Men were to have two Notes—It is plain these were Goldsmiths Notes, to lie by, and to be paid at leisure. This Lord gave a fortnight's liberty to pay these two Notes, without acquainting the King. My Lord thought not fit to tell the Commissioners to whom this Money was paid, but "not to Members of Parliament." This *Randolph Keyn's*\* name has been much used in Money. I hope the House will have satisfaction from *Keyn*. By all the circumstances, it appears, that this Money was put to an ill use, and I would vote it so.

*Sir Thomas Littleton.]* I attended the Report, and I observe several Gentlemen have showed great jealousy,

\* The Person to whom most of the Notes were payable.

but

but I know not of what. I think, Lord *Falkland* has fairly delivered himself of the 2000*l.* and the other 2000*l.* you may send for when you please. This may be the King's own Money ; may he not dispose of it ? But if you will enquire into the King's private Revenue, not disposed of by Parliament, do as you please.

*Mr Harley.*] I stand up only to justify the Commissioners of Accounts. We are not to enquire into the Privy Purse ; but this being a Person who refused upon Oath, this a bye-corner of the Revenue, the Commissioners have done their Duty—And, I believe, you will find this *John Thomas*\* a name much used. Do as you please.

*Sir Thomas Littleton.*] I had no intention to make any Reflection upon the Commissioners of Accounts. I am so far from thinking that they have not done their Duty, that I think they have done more than their Duty.

*Mr Howe.*] If this Lord had obeyed the King in any unlawful thing, I think it not warrantable ; but to obey him in lawful Commands, I think is the Duty of every Servant. I believe the King may have private uses for his Money, and long may he have so ; do what you please !

*Sir Thomas Clarges.*] *Littleton* tells you, “ He made no Reflection on the Commissioners of Accounts,” and excuses them with greater Reflection. We, (*the Commissioners, &c.*) are made common Enemies here. *Littleton* is of the Robe, and he knows that the Great Seal, or Privy Seal, must dispose of the King's Money.

*Sir Christopher Musgrave.*] I think it a great fault before you, for a man to take upon him to draw Warrants, and it is a diminution of the King's hand to sign Warrants. But I think the crime of this Lord is this ; that, when a Man was brought to the Bar, to inform you of this Payment, the same day he should take away the Letter, that directed the Payment. He deserves to go to the *Tower*, for no other thing. The Money is in this Lord's hand, and he keeps it in his

\* The Person to whom two of the Notes were payable.

hand,

hand, and there is nothing plainer, than that that this Money was for Secret-Service. In a Privy-Counsellor, this is an offence. Has not the King a Privy Purse? If it was for the King's Secret Service, what need of such concealing it? You may reasonably say, this was for some Service that ought not to be. The taking away the Letter from *Rainsford* was an affront to the House, and I move, "That this Lord be sent to the Tower."

*Sir Charles Sedley.*] The King had this Money, as private Money, the Perquisites of the Lord Admiral, there being none at present in being, and may dispose of this Money as he pleases. I find this Lord has done nothing but as first Commissioner of the Admiralty, and paid it accordingly. He has told you, "It was not for the use of any Member."

*Mr Montagu.*] You are rightly informed of the Course of Payments of the King's Money, by the Great Seal, or Privy Seal. I cannot tell by what Rule, and know not how it is so.—What issues from the Admiralty is not under the Rules of Payment in the Exchequer—Proper into the Exchequer.

*Mr Finch.*] How this Money is to be directed, I know not the method; but I dare venture to say, it is not according to Law—If it be by direction of the Admiralty, it ought to be signed by the Admiralty. This Lord is a Commissioner, and he prepares a Warrant directed to himself. The 2000*l.* remains subject still to direction. However any Man is to be paid, it is for a Consideration, and he is by Law accountable to the King for the Money. He is accountable to the Law for this Sum, thus long in this Lord's hand. For any other Man, it is no excuse to let Money be in a Man's hands upon good behaviour. It was neither received according to Law, nor paid according to Law. If you establish this, you establish all Pensions. I hope, that, if this Lord be faulty, you will punish him accordingly.

*Sir Francis Winnington.*] This affair is necessary to be enquired into. If once Pensions be connived at here, it

it will give countenance to the Judges, in their Courts, to do the same. The *French* King never grew so great, as since Pensions were in Parliament; though no man is so foolish as to own it. This way of receiving the King's Money is against Law. All the Revenue ought to be brought into the Exchequer. This Money of the Admiralty ought to be so. All Fines ought to be brought into the Exchequer, if not granted off by Privy Seals. This Lord is a Member of Parliament; he ought not to finger Money in the Treasury—"This Money he must speak of to nobody." These expressions bespeak something not fit to come to light. People receive the King's Money by Record—How came this Letter to be taken away? It is well, if the Money can lie half, or three quarters, of a Year without calling for—A Trunk of Money was delivered to a Gentleman across *Ludgate-Hill*, that should not speak one word of it—Great implication in "that he should tell nobody," and these Bills were signed just at the rising of the Parliament. I take it, that the taking away this Letter is a contempt to the House. 2000*l.* of it was paid, and the other 2000*l.* he kept to himself—if once detected, I hope others will be punished that are found guilty.

Admiral *Russel.*] I would have Gentlemen consider what this Money is. It is said, " 'Tis proper to be paid into the Exchequer, or by Privy Seal." Pray consider, this Money belongs to the Lord Admiral's Perquisites, to dispose of as the King shall direct. But if this Lord shall dispose of it by the King's direction, I hope you will not send him to the *Tower* for this.

Sir *Robert Cotton.*] This matter before you is of great consequence. When you enquire farther, this Lord is not so criminal.

Mr *Boyle.*] I think this matter not plain, but much plainer than was expected. You have all the suspicion and ground to suspect something in this matter. When it was first started, this Lord said something, and afterwards something more, and I hope that, if you send

him to the *Tower*, he will tell you all. *Rainsford* refused to take his Oath before the Commissioners of Accounts; and, the highest thing of all, the Letter, is withdrawn, to stifle your Information. I have heard it said, “That *England* can never be ruined but by a House of Commons.” I join in the Motion “for sending this Lord to the *Tower*.”

Mr Sollicitor *Trevor*.] This Lord has denied paying any of this Money to Members of Parliament. He says, “He has not received nor paid this Money without Authority;” and some Money is still in his hands. If it be so, that the Money belongs to the Admiral, it belongs to his Office, in point of Law, to the Perquisites of the Admiralty, and that is its proper Channel—It appears not that it was disposed of to Members, but it came into his hands as an Officer of the Admiralty.

Mr *Bromley*\*.] You have, in some measure, owned you have Pensioners. If you admit this for a Defence, you must never expect Discoveries. You are moved, to send this Lord to the *Tower*. I am far from a harsh Motion, but if it had been to expell him the House, I should have joined.

Sir *Herbert Crofts*.] I am sorry to find endeavours to lessen the Crime of this Lord: I am sorry to find it in an *English* Parliament. Nothing will more corrupt and destroy us, than this of Pensions. 'Tis sufficiently made out, that this Money was paid as a Pension, or Gratuity. But I insist upon that offence, that, when you had a Man before you, after that to withdraw the Letter, or stifle your Proceeding, you cannot be too severe upon him; and I join in the Motion “for committing him to the *Tower*.”

Mr *Hungerford*.] I am as forward as any to punish, when Corruption is digging the Grave of our *English*

\* A man of a grave deportment and good morals, but looked on as a violent Tory, and as a great favourite of *Jacobites*; which appeared evidently in a relation he printed of his Travels. In the Parliament of 1705, he was a Candidate for the

Chair, in opposition to Mr *Smith*, but lost it by a Majority of 44. He was afterwards chosen Speaker in 1710. He died in 1718, and was grandfather to the present Lord *Montfort Burnet*.

Liberties. But this Lord is not so culpable as represented. He is in the Commission of the Admiralty, and the Money is properly payable to that Office—We are in the dark, and I would have—\* sent for, but not commit this Lord to the *Tower*.

Mr *Palms.*] I do not rise for the Question of sending this Lord to the *Tower*; that is too hasty. It was a great Crime, the withdrawing the Letter, &c. I think the Commissioners of Accounts deserve the Thanks of the House. They have told you that other Persons names were used. I move, that you, would adjourn the Debate, that those other Persons, whose names were used, may be sent for, that were concerned.

Sir *Christopher Musgrave.*] I should not trouble you again, but for what fell from *Boscawen*, who asks, “For what Crime you will send this Lord to the *Tower*? ” It is stifling the Evidence, that the Commissioners take to be the Crime. Remember your Order yesterday, “That no Member should speak with the Admirals†;” but when you are taking the Examination of this Money, your Member to stifle the Evidence! What would have been the judgment of the House, in that Case, yesterday? I would fain know that. “Nobody,” *Falkland* says, “must know of it†.” He deserves to be sent to the *Tower* for stifling the Evidence.

Sir *Thomas Littleton.*] I only observe, that the Evidence was not stifled.

Sir *Christopher Musgrave.*] If a Copy had not been taken, I appeal to you if the Evidence had not been stifled?

Mr *Foley.*] I have something to say to the Question. You have had a Report from the Commissioners of Accounts, and now it is moved, to have it at the Bar, by Persons to be summoned. Put your Question right, *viz.* “That *Rainsford* being sent for, Lord *Falkland* withdrew his Evidence.”

\* *Sic Orig.*

† This Order is not mentioned in the Journal.

† In his Letter to *Rainsford*.

*Sir Henry Goodrick.]* I can find no manner of excuse, if any thing had been done industriously that this Lord is accused of. I desire he may be heard in his place.

*Sir Christopher Musgrave.]* The usual Custom is, that the Person accused may, if he desires it, be heard in his place ; and I move it.

The Question being put, That Lord *Falkland*, for withdrawing a Letter, writ by his Lordship to Mr *Rainsford* (who was to be examined by the Commissioners for taking the public Accounts) be committed to the Tower ; it passed in the Negative, [175 to 137.]

*Resolved,* That Lord *Falkland* be called in, and reprimanded in his place.

[He was called in accordingly,] and reprimanded by the Speaker, to this effect : That his withdrawing the Letter from Mr *Rainsford*, &c. was a great offence against the House, &c.

*Lord Falkland.]* I am sorry I should be the occasion of giving the House this trouble. I protest I did not withdraw the Letter with any design of withdrawing Evidence. I am sorry for it. And, upon my word, if it was an error, it was in my judgment, but with no design of stifling the Evidence. I hope the House will make a favourable construction of it.

*Mr Smith.]* 'Tis clear to you, that part of the Money, the 2000*l.* was not given to Members ; but the other 2000*l.* is not clear.

*The Speaker.]* The House has considered your withdrawing the Letter, and have been merciful to your Lordship. You have said, " You did it not wilfully ; it was an error of your judgment." I have done the part that belongs to me, and I hope you will do your part, in giving the House satisfaction.

*Lord Falkland.]* I am extremely obliged to the House, that they have been so merciful to me ; and I give my humble Thanks to the House for their mercy.

*Sir Christopher Musgrave.]* I wonder *Hungerford* should be so zealous formerly for printing your Votes, and should be against printing your Resolutions in this Business.

Business. Let not private Considerations prevent your doing your Duty.

Sir *Edward Seymour.*] I could wish, that from hence you would take a Resolution to print your Votes no more; but to continue printing, and make exception of this last, is very extraordinary. You will pass a greater censure upon yourselves, by not printing them, than you have to pass upon this Lord. The Marquess of *Winchester* remembers more than I do; but if any Man should say, "That I made a Motion for your Votes, relating to Lord *Danby*, last Session, not to be in print," he is much mistaken.

[December 8, Omitted.]

Saturday, December 9.

Mr *Harley* reports, from the Commissioners of Accounts, an Account of Money issued and paid for Secret Service, and to Members of Parliament.

Sir *Robert Howard.*] I had 1500*l.* from Lord *Ranelagh*. I was not so saucy as to refuse the King's favour. But I surrendered the Grant.

The Speaker.] I had 5*l.* a day Salary, and 2000*l.* for my Equipage, when Speaker upon \* \* \* \* + Estate. (Given in upon Oath.)

Earl of *Ranelagh.*] I had verbal directions from the King, to pay 1500*l.* per annum, to Sir *Robert Howard*, and it was paid till December 1691; and then *Howard* delivered it up, and no more notice was taken of it.

Mr *Papillon.*] I did petition the King to be excused from taking upon me the Victualler's place. I was in Business, and had Trade to follow, and must neglect all till ten o'clock at night. I have received a year and a half, at 500*l.* per annum.

Mr *Harley.*] There was 500*l.* to Sir *Samuel Barnardiston*. His fine was brought into the Exchequer. He brought a Writ of Error, and he, in the Lords House, reversed the Judgment, &c. The interest of his fine came to more than 500*l.* and he ought to have all.

+ *Sic. Orig.*

Sir *John Guise.*] I am charged with 400*l.* for Secret Service, [He reads his Privy Seal] “ in consideration of my Service beyond sea, and the Charge of our Expedition, to the hazard of his Person, &c.” I thank the Gentlemen for putting me down. This is not very much for the service I have done. As for “ the Forest of *Deane*, &c.” it is but part of what the King promised me.

Monday, December 11.

In a Grand Committee. On the Supply.

Several Treaties were read.

Colonel *Cornwall.*] When the King went first into *Flanders*, he had not above 8000 *English*, and was very powerful then. Since that time, 27 or 28,000 Men have been sent over. I should be glad to know, what is become of those Men? We have not want of numbers of Men, nor Officers, but General-Officers—The *French* took *Huy*, and then attacked the Camp. If the *French* had carried the Camp, they had taken all *Flanders*; at the first Charge, they had cut the Army in pieces—Now we are at the Charge of a Million—We are at the Charge of the whole War, and they (*the Allies*) go away with the Money.

Sir *John Lowther.*] Read the Papers, the first thing you do, of the Alliances before you; and then it will be proper for your judgment.

Sir *Thomas Clarges.*] I observe, *Holland* raises the Forces, and they are maintained by the Commons of *England*. I observe that, formerly, when a Treaty was made, the Commons were acquainted with it—Now you have much greater numbers than formerly. In 1672, the Treaties were brought to the Commons. This is a great undertaking—Now you have a much at e. N u m b e r sent over than formerly.

Earl of *Ranelagh.*] There were two Treaties with *Hanover*; in 1692, and December following; they both name the same number of Men. Towards the payment

of the Men, the King of *England*, and the States of *Holland*, were to give 30,000 Dollars a Month; which they thought were enough for 7000 Men—The King and the States were to furnish two-thirds of the Rations of Bread and Forage—The King 20,000, and the States 10,000 in a Year, 58,000 Men, and the *Dutch* the rest. This was the substance of the Treaty in 1692. *Hanover* was in danger of *Denmark*, and to keep his Forces together, there was an Augmentation of the King and the States, and, upon this Augmentation, they are continued.

Sir *Thomas Clarges.*] It is not easy, for such a memory as mine, to recollect things upon once reading. I observe, the *Dutch* pay but one third; we fifty Ships, and they but thirty. I know not the reason for that. I have heard, that their Ambassadors should say, “That *England* was an inexhaustible Treasure,” and, at that rate, our Meadows must be mowed. I have heard, that the current Cash of *Holland* is twelve Millions, and ours but eight Millions—The Continent of the Land of *Holland* is not bigger than *Yorkshire*. The *East India* [produce] there this Year, has been three or four Millions—if they out-reason or out-wit us, we are a little unfortunate. They to furnish *Hanover* with 10,000 Crowns, and we 20,000 Crowns—And all this while, we are “An inexhaustible Treasure,” and they may say so—This Sum is small, but the Consequence is great.

Sir *Christopher Musgrave.*] I would not be confined barely to Paper—if this be settled, it must be by some Instrument. I hope we are at liberty to speak to the Papers, because they are referred to this Committee by the House, and are part of the business of the day.

Sir *Thomas Clarges.*] The additional Forces of the States are 15,000, and those of *England* between 30 and 40,000, and this, because *England* is “inexhaustible in Treasure.” If this Estimate be admitted, *England* will maintain 115,100 men there, in *Scotland* and *Ireland*; and I take not in the *Indies*: But, by

the way, those in *Spain* and *Catalonia* are comprised in the number of their Forces—Those *German* Forces are in their own Country, and for their Country. But what does the Emperor contribute to our Fleet? *France* maintains 100,000 Men cheaper than we 40,000 Men—All their General-Officers are paid but half the Year, and their other Officers are reduced. His Fleet's Expence is equal to ours. *Sicily* revolted to *France*, but it was so great an Expence they were forced to give it up, though they won a Battle at Sea, when *De Ruyter* killed.

*Mr Harley.*] The total of the List of our Men is 93,000, I doubt not but every Gentleman will come up to what is necessary, and the Nation able to bear, I am sorry that *Hanover* Treaty is brought before you—Being once laid before the House of Commons, I fear it will be drawn in consequence upon us—I hope you will make some Resolution, that this is a greater Proportion than you can bear, and that it be not authenticated by Parliament—You are not told of any Treaty—But I see not yet that those Forces are raised—They have so large a Barrier to maintain by Land, and you by Sea—I hope you will see some more reason for the raising these Men, than from the *Gazette*.

*Sir John Lowther.*] I hope, that, at this time of day, you will not discourage the Confederates, by discontinuing what you have allowed formerly. You have that before you, in my poor Opinion, that concerns the Honour of the Nation. You have a powerful Enemy, that carries all before him; and his Government is absolutely opposite to yours, and the Protestant Religion. All his successes have not discouraged the Confederates by discontinuing what they have allowed formerly, either at Sea or Land. No successes of the Enemy have made the Duke of *Hanover* hearken to Propositions of Peace; nor in *Germany*, not the Barbarity of destroying one of their greatest Cities, as he would do this City. He must over-run that Country, or bring them to a Peace. Why should they have consideration for

for us, if we have none for them? No doubt, he would be glad if such a part of the World were subjected to him, either by Conquest, or Peace, out of which we shall certainly be excluded, and then we are a most miserable People. It is said, "We can defend ourselves, if all the World were against us." But it is plain, this concerns *England*; for the King of *France* has *England* in his eye, no other way but to be great at *Sea*; not *Holland*, nor *Germany*, but *England* is in his eye—If the *Dutch* be for him, and against us, we cannot cope with him. If he be but one day before you, you cannot get out—If an hour later, and the Wind Easterly, you are lost. If he make a Descent upon you, and come fresh out of his Harbours, he may land where he pleases. No naval Force can defend you, as an alteration of Wind may defend you—When the Alliance of all the Forces is with us, we may be secure—We have to do with a Neighbour that builds upon the Ruins of other Countries. He is now upon his wreck, and all the strait he can be. It is known, he did not pay his Men the last Year, as formerly. Shall we draw back, when at the last push? Let us consider this as Protestants, and I move this short Question, "That the Land-Forces may be increased to the number of 94,000."

Sir Christopher *Musgrave*.] I will speak only to that part of *Hanover Treaty*, which, *Lowther* says, was formerly before you, and what a great discouragement it would be to the Confederacy, &c. But admit this number now, and you can never get it off—It is a strange Argument for us to bear two-thirds, and the *Dutch* but one. I know not how the King, or his Ministers, will be able to stem it, without the assistance of this House. They are a Continent, and we are an Island; and, if that be the Reason, we are to blame to admit that Reason. At this rate, your Proportion of two-thirds will be multiplied infinitely upon you; and you ought to address the King, that our Proportions may be more reasonably treated. You are told, by

*Ranelagh,*

*Ranelagh*, “ That 30,000 Dollars are to pay that Army ;” but when you pay for Forage and Bread too, in part, I think that the Duke of *Hanover*’s part might be more, now he is a ninth Elector.

Mr *Foley*.] The Order to the Committee is, “ To consider of the 94,000 Men given in, &c.” Is *England* to carry on the War with an unusual Proportion, and other Allies come not up to it ? We ought to have a fair bargain. There are no Proposals of a Treaty already made, but what is good for *England*. Therefore, I move, “ That an Address be made to the King, &c.”

Mr *Hungerford*.] The Treaty of *Hanover*, in reading the Paper, has let you into the whole.

Mr *Smith*.] Can Gentlemen tell you, if you come up to this Proportion, that *Flanders* is reasonably to be preserved ? If not, you had better have your Money in your pocket, to preserve yourselves. If that can be done, I can come up to it. If Treaties are ever so unequally made, it is certain, this Year you must come up to them. Show us that *Flanders* may be saved, if you come up to these Gentlemen.

Mr *Palms*.] You debate upon two Questions, but whatever Question you put, Gentlemen may think it hard enough. The Reason of bringing in *Hanover* Treaty was only to instruct you, what advance to give your Forces the next Year. Our Circumstances are such, that, if you break into these Treaties now, you will discourage your Friends, and encourage your Enemies. I would be thoroughly informed of the reason of your losses last Year, and the reason of increasing your Forces. Till you are well informed, there is no haste for this Question any more than for the other.

Col. *Granville*.] I believe that the Committee thinks, that, when General *Talmash* rose, he would have given you an Account of *Flanders*.

Mr *Palms*.] What fruit will Gentlemen expect from this Address ? If to prevent these Treaties for the future was the only intent of my Motion.

Mr

Mr Montagu.] This Question must grow to a decision, and I wonder, all this while, that we have been upon a collateral Question. If the *Hanover* Troops, speak to it, if that be the proper Question. As a ninth Elector, he gives his *Quota* for *Germany*. If those Troops are not paid by you, they must by *France*.

Mr Harley.] I think the Question about *Hanover* ought to be first put. For what Reason is it referred to you, unless first put to your consideration? You told us, we were not precluded—But a tacit Reservation for the future, [provides] that, for the time to come, better care be taken; and I spoke to this first, before any spoke to the Augmentation. As to his Proportion for *Germany*, it was said, “he was not an empty Elector,” but the Debate now is as to *Flanders*. This Question is first, in Order, to be put.

General *Talmash*\*.] At the beginning, of last Year, the *French* came with 80,000 Foot, and 35,000 Horse, and did not think the King could defend *Flanders* against this Force. But his Majesty took his Camp at *Park*, [near *Louvain*,] which broke the *French* Measures. The *French* afterwards attacked *Huy*; upon which, the King sent for the Detachment at *Liege* and *Maeſtricht*; but the Governor did not defend the Town so long as he might have done. Afterwards happened the Battle [of *Landen*,] and if the Enemies had pushed their advantage, *Louvain* and *Mechlin* might have been taken. The consequence of losing these great Towns is, the *French* will afterwards take *Nieuport* and *Oſtend*. I have been told, *Nieuport* may be made a good Port,

\* A gallant Officer, who had had a considerable share in the Reduction of *Ireland*, and had served this Year with reputation in *Flanders*, where he brought off the English Foot after the Defeat at *Landen*, with great Prudence, Bravery, and Success. But being sent, the Summer after this Debate, on a desperate Attempt against *Breſt*, he was repulsed with great losſ, June 8, in *Camaret-Bay*, and was himself shot in the thigh, of which he died in a few days, much lamented: “For, (says *Burnet*,) he was a brave and generous Man, and a good Officer, very fit to animate and encourage inferior Officers and Soldiers; but he was much too apt to be discontented, and to turn mutinous: So that, upon the whole, he was one of those dangerous Men that are capable of doing as much mischief as good service.”

which

which will annoy our Trade very much ; and besides, the *Hollanders* will be uneasy with such *Neighbours* : And though they are very willing to do what they can to carry on the War ; yet, if the War comes near them, the common People will force them to make an ill Peace, or join with *France*. If the Committee will increase their Forces, I hope it is the way to make a good Peace. A Peace may now be had, but upon such Terms, as that, before the present Debts are paid, you may be engaged in another War. It may be thought that I, having no Estate, am ready to put the Nation to a great Charge ; but, I do declare, I am as weary of the War as any Person, and as desirous to have an end of it : And, though I cannot answer for the success of the War, yet if the House will enable the King to come into the Field with a good Army, they may be able to preserve *Flanders* : And therefore, I conclude, to move the Committee to augment the Forces for 1694.

[December 12, 13, 14, and 15, Omitted.]

### Saturday, December 16.

The Earl of *Bellamont* \* presented to the House Articles of Impeachment of High Treason, and other Crimes and Misdemeanors, against *Thomas Lord Coningsby*, one of the late Lords Justices of *Ireland* ; which were delivered in, and read at the Clerk's Table †.

Lord

\* An *Irish* Peer, appointed, in 1695, Governor of *New York*, being thought by the King a Man of Resolution and Integrity ; and with these qualities, more likely than any other to put a stop to Piracy, with which the *American* Colonies, at that time, abounded.

† The Charge against him was :

“ 1. That he had traiterously abused the Power and Authority of his Government, by framing and imposing on the Militia a new, arbitrary, and illegal Oath, leaving out that part which requires them to renounce the jurisdiction of the Pope, and all other foreign Powers,

purposely to leave room for the Papists to come into the Militia : And farther, had ordered all Governors of Counties to subject the Militia to Martial Law, contrary to the known Laws of that Kingdom, and his Majesty's Instructions.

“ 2. That he did arbitrarily exact and force free Quarter for the Army ; and did, by force of Arms, levy Money on the Protestant Subjects.

“ 3. That, for his own private gain and advantage, he did traiterously cause great scarcity of Provisions in the Army before *Limerick*, by obliging the Sutlers to take Licences.

Lord *Coningsby*.] This is a great Charge. "Traiterously and violently" are the best Words that can be found in it. This matter was before the House last Session, and the House seemed satisfied.—When I found that my service was turned into faults, myself, with Sir *Charles Porter*, desired a Pardon; as those in my station have done before. The King granted it. I was in the Country when this Lord put in a *Caveat*, because the matter was depending in Parliament. But I desired no Pardon, and would have had it stopped. Lord *Bellamont* gave no reason for the *Caveat*, why the Pardon should be stopped—The King has sent into *Ireland* to have an Account of this Charge, which was the same in effect at the Council, as this here; and it is now come to a farther Accusation. Most of these things called "Traiterous," most Protestants will tell you, preserved *Ireland*.—(*And so he proceeded to several things for his Defence, &c.*) If any thing requires farther explanation from me, I desire a Copy of the Charge.

Earl of *Bellamont*.] This is a business of consequence, and I cannot trace this Lord in what he has said. But I have good Evidence to prove the Articles. I am a stranger to methods, and I know not whether I am right in forms. I have a Charge against Sir

cences from him at excessive Rates, and by laying Taxes on all Beer, Provisions, &c.

" 4. That he did, against all Law, in Council, traiterously, and by word of mouth, order one *Gafney* to be hanged without Tryal, who was, at that time, an Evidence against one *Sweetman*, for the murder of some of Colonel *Foulkes*'s Soldiers: But the said *Sweetman* giving all his real Estate, to the value of 200*l. per ann.* to Mr *Culliford*, besides the Sum of 500*l.* to Mr *Fielding*, Lord *Coningsby*'s Secretary, for being his Bail, was never prosecuted for the said murder: And the said *Gafney* was

immediately executed, according to the said verbal Order.

" 5. That during his Government of *Ireland*, he did, by himself, or his Agents traiterously settle and maintain a correspondence, and carry on a Trade, with the Subjects of the French King.

" 6. That he did embezzle vast quantities of their Majesties Stores, and forfeited Estates, both real and personal.

" 7. That he did, during his whole Government, openly favour, and support the Papists in their Robberies, and other Outrages, committed upon the Protestants."

Charles

*Charles Porter* \*, all the same but to the Charge of Stores, when I have your Order for certain Gentlemen to come out of *Ireland*—*And so went on in aggravating the Charge in several particulars, [and exhibited the same Articles mutatis mutandis against Sir Charles Porter.]*

*Sir Charles Porter.*] This is a great attempt, to defame Men, and bring their Lives and Reputations in question—I have done all for the honour of the King, and the good of *Ireland*. (*And so went on to justify himself as to the Articles.*)

*Lord Bellamont* replied upon him in several particulars, and desired time for his Evidence to come over.

*Mr Palmes.*] I stand up to method. This is a heavy Charge against these Persons. The Question is, “Whether you will refer the matter to a Committee, or call in the Evidence?”

*Sir Edward Seymour.*] I remember proceedings in things of this nature. You have heard the Charge. The Persons accused ought to have a Copy of the Charge, and time to bring in their Answer; as formerly has been done. I speak experimentally. I have had a Charge against me, and it was not proceeded in. When they give in their Answer, the next step is for your proceeding.

*Sir John Lowther.*] This being an Impeachment against your Members, you will do justice on all sides. They think themselves innocent, and, no doubt, will deny it—They may have a Copy, and give their Answer.

*Sir Edward Seymour.*] I have told you what related to myself. The Prosecutors against me never pretended to prove the Accusation. I hope that will not be drawn into Precedent. This proceeding is different from other Courts—(*Replying upon Sir Francis Winnington*) He has a happy remembrance in some things, and forgets others. He said, “Let the Witnesses come, and then we may well judge what it amounts to.”—A noble Lord (*Orrery*) was once impeached

\* *Lord Chancellor of Ireland, and another of the Lords Justices.*

*here;*

here ; he put in his Answer ; the House thought it frivolous, and put it off to be proceeded at Law\*—Then the Evidence was concealed, but now it is at the Door, and you have the Answer of the Party accused.

*Mr Finch.]* That this matter may come to issue, you are in a right method. You have had the Information, and the Answer ; and if you are not satisfied, then you have another method, to proceed.

*Sir Christopher Musgrave.]* I doubt you cannot deny Copies of the Articles to the Persons accused, and reasonable time to make their Defence. *Lord Orrery* did only answer in his place. I would gladly know, if such a misfortune should befall a man, whether you would debar him making use of his Paper ? But, as for calling Witnesses, I would not admit that ; for perhaps the Answers of the Persons may occasion no farther proceedings against them. I would order them a Copy, and not straiten them in time.

*Sir Thomas Littleton.]* I hope this high Charge against these persons is not true ; but it is for their honour to be publickly justified—'Tis impossible to be proved, without Evidence, by general Answer.

Colonel *Fitzgerald* was called in, and gave some reflective Evidence upon *Sir Richard Reynolds*, [an *Irish* Judge ;] to which he gave Answer.

*Sir Edward Seymour.]* You hear this Charge against *Sir Richard Reynolds* as flatly denied as affirmed. If a man should come and affirm, that I would kill the King, I know no way but to deny it ; but when you come to judge it, you will examine whether that man's life and conversation has had any tendency to any such thing. I would do it, in this case. A man in such Employments and Trusts !—This looks not like Common Sense, that he should be guilty of such discourse. A man must be an idiot. I have known him in conversation and judicature, and it cannot enter my thoughts but that he is an honest and prudent man.

\* See Vol. I. p. 201.

Other Evidences were examined, as to the Articles against the Lords Justices, and Sir *Richard Reynolds*, of no great moment.

[*Resolved*, That this House will, on *Friday* next, hear Witnesses, at the Bar of the House, to the said several Articles.]

Monday, December 18.

In a Grand Committee. On an ingrossed Bill, from the Lords, for the frequent calling and meeting of Parliaments.

On the Lords Clause.

*Sir John Lowther.*] I should be glad to know, whether, if a Lord is in possession of a Commoner's Estate, how, in the frequency of Privilege, the Commoner shall get possession again? And this frequency of Parliaments may put the King upon asking Money—

*Lord Coningsby.*] To bring Gentlemen up here, to bring upon them frequent troubles!—The Lords will infallibly proceed upon their Judicature, and draw all the Causes of *England* before them.

*Mr Hutchinson.*] To the word “holden”—It has been used three hundred years, without those inconveniences mentioned—I doubt not but the Commons will be willing to come up.—

*Sir Eliab Harvey.*] In the Long Parliament of *Charles II*, there was a great Session, and no business to be done but what was before them; and most Gentlemen went out of Town: And then the Bill for Sale of the Fee-farm Rents was brought in, and passed this House—Pray postpone this Clause.

*Mr Foley.*] One of the greatest Crimes the Minister can be guilty of, is to persuade the King not to pass Bills. I hope that, by no Clause in this Bill, we discharge that obligation on the King to pass Bills. 'Tis the best time you can take to repair the ancient Laws, and I hope you will pass the Bill.

*Mr Palmes.*] If Gentlemen desire a qualification of this Clause, *viz.* a Parliament to be holden, I would so do it, as not to lose the essence of the Bill. If you postpone

postpone this Clause, you have nothing to debate upon but what you have already thrown out of the House. If Gentlemen would have no Parliament holden, let them say so, or no Bill. If it intrenches upon the Prerogative, or the Liberties of the People, or the great Privilege of the Lords spoken of, debate them; but do not postpone this Clause.

*Sir Christopher Musgrave.]* All the arguments for postponing the Clause tend to throwing out the Bill. In *Charles II's* time, a Parliament was held, and no Act passed, nor any Judgment was made in the Lords House. You are told, “This will enlarge the Lords Privilege;” but the Commons will have it as well as the Lords. But you are told, “That this not agreeing with the Lords will make a difference with the Lords, and so you will have no intercourse, and our Allies be lost.” I hope Kings will think themselves always bound by their Coronation-Oath; and the King is no more absolved from his Coronation-Oath, than the Subjects from their Allegiance. I think we have a just Right to Annual Parliaments. If the word “summoning” do offend, you may qualify a Clause for it—But I see that all this Exception is to throw out the Bill.

*Mr Wharton.]* I would not postpone the Clause, which will give discountenance to it, if not reject it; 'tis so much the Right of the People of *England*. If annual be too quick, I shall come up to qualifying the Clause, but am not for postponing it.

*Mr Montagu.]* You are now putting the last Clause, which explains the first, before you debate the first. If Gentlemen will fairly debate the Clause, and qualify it to two or three, [let them]—But I would not tie the House's sense by such a Question—Now you debate upon the Clause, (*which was read*) I find ambiguity in the word “holden.” Some think it “a Session,” and others only “to be assembled,” but offer qualification. The Government is now as when the annual Statute was made. At that time it was a Judicature, and you were part of

it. The King refused this Act once, and it is not for the Crown to give Reasons for it. To have a Parliament annual, it will be too great a burden to the People, and too great a retrenchment to the Crown: I move, That those words "once every Year at least," may not stand in the Bill.

*Sir John Lowther.]* If this Clause be not explained, as it is penned, you may have wrangling, and the Crown no power to dissolve them. In Judicature, the Lords will not depart from their Power, as you will not do in Money; and if the two Houses will not agree, must the Government stand still? I am therefore for this Clause.

*Mr Wharton.]* I think this reason now a slender one. 'Tis time, when those inconveniences happen, (which have been mentioned) to look for remedies. 'Twill be in the King's power to dissolve that Parliament, and that is a remedy. Our Ancestors had a Right to annual Parliaments, and I hope you will not take any thing away, though but a supposition of the Right. We have found inconveniences for want of Parliaments, and I hope we shall have such inconveniences no more.

*Mr Montagu.]* The matter is not "frequent Parliaments," but "not every Year." 'Tis said, "Dissolution makes an end of controversy;" but there may happen such a juncture, before we may have another Parliament, the Year expired; that we know not the inconvenience of tying the Crown down in this case. But passing a Clause so ambiguous, a Law without telling the meaning of it—That of annual Parliaments is as much an antiquated Law as any—Annual Parliaments were never insisted upon—When perhaps it will not be in the King's power to dissolve. You are setting up a Senate of *Venice*.

*Sir Francis Winnington.]* "Holden" was a word in all ages, and I wonder it should be thought an ambiguous word. The People are possessed of that word by all

all your Laws ; and by this Proviso of the Lords, you will throw it out.

[The Bill was reported without any Amendments.]

[December 19, 20, and 21, Omitted.]

*Friday, December 22.*

The ingrossed Bill, from the Lords, for the frequent calling and meeting of Parliaments, was read the third time.

Debate.

Sir *Edward Seymour.*] The dislike I have to this Bill is, because I think it not for the public service. I know not where the thanks of it are due ; but I expected the Speaker would have told you of the great disorder of sending down this Bill. If after a Bill be once rejected, and you receive it, you have acknowledged, in some sort, their authority greater than your understandings : Where the remedy is worse than the disease. You have showed your like of frequent Parliaments ; you have wiped off the rest of your Laws in this Bill—But now you charge the Electors trouble to come here, and all we do is to be sent home again. This is all the good of the Bill. Though it is faced with other things, yet the intention is dissolving this Parliament. The Question is much altered from the last age, when they thought to perpetuate themselves : The reason was, they were fitted for their business, but this Parliament is not fit, the Lords tell you. We give them powers by it, when every day we are complaining of their Judicature ; and this Bill subjects you to their dependence. This is very extraordinary. The King calls you, by his Writ, to advise him, and are you weary of advising him, and would be sent away ? This was never so before. It does, in the first part, do nothing but make the thing worse ; for, by virtue of this Bill, you may never have Parliaments more. You give the Lords power to dissolve Parliaments ; and, as *Bathurst* said, “ This is for the Lords to pay their Debts without Money.”

Mr *Godolphin.*] I hope, that, by the Lords Amendments, you may come to Conference. As for the matter of the Bill, 'tis for frequent calling and electing Parliaments, and for dissolving this—I am against the timing of it—Elections in Boroughs will create heats in Boroughs, and here; and, till you set the manner of Elections right, you repair the top of the house, and neglect the foundation. Besides, in respect of your affairs, you are in War, and must have Men and Money—What are you doing? Now, before you give any of these Supplies, you declare yourselves dissolved, and are ashamed of what you have done—I think this Bill is not for the safety of the Government, and I humbly beg leave to have it rejected.

Sir *Christopher Musgrave.*] I hear many objections against the Bill that came from the Lords. I think 'tis the Right of either House to send Bills—'Tis not regular to take notice of what is done in either House—There is nothing so much for our Constitution as frequent Parliaments, and, yet, with all this, I am not satisfied with the Bill—As for the Dissolution of this Parliament, I like that well, and I think it absolutely necessary; but when Parliaments meet, I would have them do something. There is no use for explaining the word “holden”—But the last Clause is giving the King power to chuse whether the Parliament shall do Business. If the King calls a Parliament, and twenty, thirty, or forty of the People complain of a Grievance, the King has justified himself, he has a Law to warrant him. If you find that King *James* the 1st made a long Prorogation, and *Charles* the 1st was long without Parliaments, this Bill warrants that Clause. The King may call them, and send them home without doing any thing.

Col. *Titus.*] It is no objection that this Bill came from the Lords. I fear not a good thing from them. We have had none a great while. The Lords prescribe us times when to meet, and when to be dissolved. St *Paul* desired to be dissolved; but if any of

of his friends had set him a day, he would not have taken it well of them. Though I desire to be dissolved, shall those, that are not so good Christians as myself, not like advice from friends, though they like it ever so well themselves? As for the disobligation to the People; good Parliaments they desire, and I never saw long Parliaments good ones. A Picture new drawn may be like the person it represents; but in time the colours will fade, and it so alters from itself, that no man can know what it represents. If we would have a Picture like, it must be new drawn—And this Bill is to celebrate their funerals more than their nativities. There are in all things great inconveniences, but where there are greater conveniences [they should prevail]—I am for the Bill.

*Sir John Thompson.*] I second the Motion for rejection of the last Clause of the Bill. The greatest argument I have heard against the Bill is, that it intrenches upon the King's Prerogative. Every body is tender of the Prerogative, and I hope we are, too, of our Liberties. A word was said, "That the reason of the Invasion of our Liberties was the necessity of present circumstances."—At *Oxford*, in the Impeachment of *Fitzbarris*, the case was, the Lords would not judge Commons, their Right was to judge none but Peers; and that Parliament was dissolved \*. But had the Crown then as much necessity for Money as now, they had sat on. Money is the reason of your sitting; and when that is gone, there is no more need of you.

*Mr Boscawen.*] To the matter of the Proviso. I see no use at all of it, in three or four hundred years. Prorogations have been useful, so may Dissolutions be the only cure, when any difference happens between the two Houses, and is a remedy without this Proviso. I am against it.

[The Clause was rejected.]

[A Motion was made, and the Question being put, That the last Clause in the Bill, *viz.* "That a Parliament shall be un-

\* See Vol. VIII. p. 340.

derstood to be holden, although no Act or Judgment shall pass within the time of their assembly," be left out of the Bill; it passed in the Negative, 222 to 131. And the Bill was rejected, 197 to 172.

The House then proceeded, according to Order, to hear Witnesses to the Articles against Lord *Coningsby* and Sir *Charles Porter*. And the first, second, and fifth Articles were severally read, and several Witnesses severally called in, and examined at the Bar to each of those Articles severally. And several Letters, and Copies of Letters, and other Papers, delivered in by the Earl of *Bellamont* and the Witnesses, were also read, touching the matter of those Articles.]

[December 23, 26, 28, 29, and 30\*, Omitted.]

[Tuesday, January 16.

The Lords having desired a Conference in the Painted-Chamber, to communicate to this House Matters of Importance relating to the last Summer's Expedition at Sea;

Col. *Granville* reported, That the Duke of *Bolton* managed the same for the Lords, and acquainted the Managers, " That the Lords having had laid before them, by the Earl of *Nottingham*, an Extract of a Letter, dated from *Paris*, June 1, N.S. received May 30, O.S. 1693, as follows: " There are sixty-eight Ships, in which there are 30,118 Men, and 4876 Guns,

" We have news since, that this Fleet is sailed, and out of sight."

" And it not appearing clearly, whether the Intelligence therein contained was communicated, or not, to the Admirals of the Fleet, their Lordships do desire of this House, That they will enquire, by the most proper methods, of the Members of this House that are of the Privy-Council, " Whether this Intelligence of the *French* Fleet's being sailed out of *Brest* was communicated to the Admirals of the Fleet; and when it was so communicated."

Friday, January 19.

*Resolved*, That an humble Address be presented to his Majesty, that his Majesty will be pleased to command, that a Copy of a Letter, dated from *Paris*, June 1, N.S. and received May 30, O.S. 1693, by the Earl of *Nottingham*, may be laid before

\* It appears, by the Journal, that Mr *Grey*, (the Compiler) had leave, this day, to go into the Country, for the recovery of his health,

this

this House: And also, That his Majesty will be pleased to give permission to the Privy-Counsellors of this House, to acquaint this House what Intelligence was received of the *French Fleet's* being sailed out of *Brest*; and whether the same was communicated to the Admirals of the Fleet; and when the same was communicated\*.]

*Friday, January 26.*

[In a Grand Committee. On the State of the Kingdom.]

On the King's rejecting the Bill for frequent Parliaments.

(Sent to the Compiler by Mr Wilmot.)

Sir *Thomas Clarges.*] I am sorry for the occasion of the Committee. I will not say any thing concerning his Majesty, only of the evil Counsellors that presumed so to advise the King. Former practice hath been to have the Bills to be passed, read, and debated, in Council; neither ought a Parliament to be called without a Council. Formerly, just Bills and Grievances were first passed; and after that, the Money given. Now, in great respect to his Majesty, the order is inverted, and our Grievances denied redress. I cannot think the King to blame, since his Declaration hath been to concur with us in any thing, to make us happy. I should have been glad if the Counsel-

\* The Lords had *Resolved*, on *January 10*, "That the Admirals who commanded the Fleet last summer, had done well in the execution of the Orders they received;" though some Lords entered their Protest. And on *February 10*, Mr Secretary *Trenchard* presented to the Commons an account, in writing, of the above requested Letter and Intelligence; *viz.* "That he believed the Earl of *Nottingham* did, on *May 31*, bring to a Committee of the Council a Letter dated from *Paris, June 1*, N. S. and received *May 30*, O. S. an Extract of which the Lords had communicated to the House, but he did not remember that this Letter was publickly read at the Committee, though several of the Lords might read it singly; but that it remained in the hands of the Earl of *Nottingham*; there being no Resolution taken at the said Council, that the said Letter should be communicated to the Admirals

of the Fleet: That, to the best of his remembrance, a List of the *French Fleet*, being part of the said Letter, was, the same day, sent to him from the Earl of *Nottingham*; a Copy of which List he sent to the Admirals, as appeared by comparing it with the Papers delivered by them into the House. That the same day there likewise came a Letter from *Scilly*, dated *May 27*, with advice that the *French Fleet* was seen off that Island; which Letter being publickly read at the Committee, a Copy thereof, together with the before-mentioned List, was immediately sent to the Admirals by two Expresses, and received by them." It was *Resolved*, therefore, That the same be communicated to the Lords, at a Conference; which was done accordingly. But it does not appear that it was attended with any extraordinary consequences.

lors, or some of them, would have given some reason for the Rejection of this Bill. I believe, the People that sent us up will hate us for doing nothing but giving away their Money, in effect, one to another, as in the Rump, which was their ruin, and may be ours. I conclude with a Motion, "That the Advisers of the Rejection of this Bill are Enemies to the King and Kingdom."

Mr Brewer.] All agree, that the King hath a Negative Voice to Bills: Nobody hath a greater reverence to Parliaments than myself; but the Bill rejected was liable to exceptions. I gave my Vote to make the Prince of *Orange* King, but will never give my Vote to unking him. I think it proper, in this case, for the King to exercise his Negative Voice.

Sir John Thompson.] When I gave my Voice to make the Prince of *Orange* King, I thought to have seen better times than these. If this matter go, and nothing be done, I expect nothing but that we shall be underlings to Courtiers. It is fit to consider the State of the Nation in all parts of it; as in your *Quota's*; so if you consider your Fleet, your Convoys: Look upon all Miscarriages, and you may hunt them to the Cabinet; but there we must leave it, for we cannot find the hand that does the mischief. King *Charles* the 1st was the first that set up the Cabinet, but he was taken down for it; so was King *James*, his son, and made a vagabond. All Debates should be in Council; now all things are huddled up. Our Affairs are secret, but our Miscarriages open. The Admiralty told us where the Miscarriage lay: I hope that, by an Address, that will be laid open with the rest; and I conclude with the same Motion that *Clarges* made.

Mr Bromley.] I shall be careful not to speak about the Negative Voice. I would have Gentlemen consider the confidence the House put in his Majesty, and the vast Sums given, and yet this Bill rejected. The Preamble of the Bill declared former Corruptions, and suspicion of the like now: The Bill offers Remedy, but we are denied it; which speaks this language, "That the King will have us still corrupt." We have done well for Religion, but all in vain, if we enjoy not our Liberties.

Mr Hutchinson.] Neither our zeal for the King, nor the Sums given, can oblige so much as the false Counsellors, who are worse than *Jacobites*—They may now object, "That we have only changed our Prince, but not for the better, at so many Millions expence."—I will not dispute the Negative Voice—The nature of the Bill was to take off Scandal, to show the World that we give our Votes, and do not sell them.

Our own actions have given occasion hereto, by carrying on the Bill in former Sessions with fondness of it, but in this we were very cool: It may give the King occasion to think that we know not what to do; that the Members of this House are so made, for their ingenuity and skill to manage us, rather than their Offices, which they either mind not, or know little of.—

*Sir John Lowther.]* I find it difficult to say any thing, in my Post. I know myself to be an honest man, and I am an *Englishman* too. I neither have gotten by the Court, nor ever will—I believe there may be evil Counsellors, but who they are will be a dispute for ever. We are ever unfortunate, because of different Parties, two at least, so that one dares not trust the other, nor speak plain; and what can be done by the King, when one side informs him evil of the other? Now, cure you but this, and all will be well; all will speak plain. I would propose to you, to contrive some way that the King may have a Council that both you and he may confide in.

*Mr Peregrine Bertie, jun.\*]* What was proposed by the Member before, makes me think the Question first moved most necessary; since the matter is so amongst the Counsellors.

*Mr Harley.]* I think *Lowther* has told you the true state of the case. I think the greatness of his estate and mind makes him too great to be suspected in this matter. I hope that, in due time, something may be done therein. At the first Resolution, if care had been taken, Parties might have been prevented, and we should have had but one, and that for the good of *England*; but industry was used by some to the contrary. I conclude, that we can do no less than put a mark on some, by our Resolution on the Question.

The Question passed, (with only two or three “Noes” to the contrary,) [as follows:

*Resolved,* That it is the Opinion of this Committee, that whoever advised the King not to give the Royal Assent to the Act touching free and impartial Proceedings in Parliament, which was to redress a Grievance, and take off a Scandal upon the Proceedings of the Commons in Parliament, is an Enemy to their Majesties and the Kingdom:

Which was agreed to by the House.]

*Mr Jeffreys.]* If the Council be so divided, it may be presumed that one Party is in the right, and the other in the wrong. I would have the House address the King, That he would please to discover by what Advice the Bill was rejected.”

But there was a general “No” thereto.

\* Second son of the Earl of *Lindsey*, and Vice-Chamberlain.

*Mr Harley.*] The House has been pleased to give their Opinion in the former Question, but you ought also to take some care of yourselves. You are disappointed of Remedy against Corruption. The King, indeed, hath a Negative Voice; so have you in Money; and when the People give, their minds should be free, that they are in condition to give. We ought, therefore, to make some Representation to his Majesty, "That, whereas we lay under great imputation of Bribery, we were endeavouring to clear ourselves of it, by the Bill rejected." I move, therefore, "That we humbly represent to his Majesty how rare the instances are, in former times, of Bills being rejected; more especially where Money has been plentifully granted."

*Sir Francis Winnington.*] The last Gentleman calls me up. I am for the Negative Voice, and Prerogative; but if the Negative Voice shall extend to all good Bills, it is very much misused. We have been always busy in giving Money, and have always come up to that which has been required—I think very well of many Gentlemen that have Offices; but I believe they would not have had Offices, if they had not been Members of Parliament. This Bill, and the Triennial Bill, tend immediately to keep ourselves uncorrupt; and if the King shall make use of his Negative Voice, in such a case, it is very hard. I humbly propose, "That we may address, that such Rejection may be a means to alienate the hearts of the People." —I would not have farther proceeding in Money yet; now we have given two Millions for present occasion, we may have some breath.

*Mr Paul Foley.*] I believe the King hath a Negative Voice, and 'tis necessary it should be so; but if this be made use of to turn by all Bills, and things the Court likes not, it is misused; for such a Prerogative is committed to him for the good of us all. It hath been a great Scandal to us, and this Bill was for clearing us in some measure, and yet divided in so small an instance! I conclude with the Motion that *Harley* made, "To represent how few the instances have been to deny Assent, when so much Money has been given."

*Mr Howe.*] I believe our mischief arises from what an honourable Member (*Lowther*) observed, from Parties in Council, who thereby raise themselves upon one another. I have never changed Party. If others have left me, let them answer for it. Why should we meet here, if what we do for the good of our Country be to no purpose? I was for deposing King *James*, and for setting up King *William*: But we have committed a great villainy, if we settle not our Liberties

beries on a true foundation; but if we do that, we have done a glorious work. A Bill in *Richard's* time was presented; the Bishops protested against it, but the King passed it, “Because, (he said) he was bound by his Coronation-Oath.” A Petition in Parliament was presented in *Henry IV's* time, wherein it was said “That what was desired was not against the Prerogative, because for the good of the Commons”—I hope we say nothing here amiss, since we have so lately asserted the Divine Right of this House. I say, it was no news anciently to oblige the King to call a Parliament, and to force Kings to call them, and to swear to them after; and so *Magna Charta*, and *Charta de Foresta*, were given. In the reign of \* \* \* \* \* † the Archbishop of *Canterbury* (for then the Bishops were for the People's good) advised the King to pass the Bills tendered. I conclude with *Harley's* Motion, and others, “That an humble Representation be made to his Majesty, &c.”

Sir *Walter Yonge*.] I would have Gentlemen consider whether this is the only Bill rejected for our good—I would not have the Triennial Bill named in the Question, but I desire the words “other public Bills,” in general, may be in the Question.

Mr *Clarke*.] I second the same.

Sir *Henry Goodrick*.] To agree so solemnly, in such an Address, is so severe upon the King, that I cannot agree to it. His Majesty being so much abroad for our service, venturing his life almost ever since his coming to the Crown, hath made him not so acquainted with Methods of Parliament. I would humbly move therefore, “That an Address be made upon the first Vote only.”

Mr *Charles Montagu*.] I shall always be for the Liberties of the People, and for the Prerogative of the Crown. If the Crown hath a Negative Voice, then why not exercised on this Bill, as well as on any other? It was formerly only, and that in the highest times, and by the highest men, that the King cannot deny us Bills of right and justice. But this is for altering your Constitution, not to allow the King a Negative Voice.

None spoke in the Debate, but those before, only Sir *Charles Sedley*, who was not heard—But almost all before, and many others also, spoke to the stating the Questions, about which there was very much Debate. The Questions at last were agreed to, the first as above, the second as follows. Some Debate also was, “That it should be an humble Address,” which was taken to be of a softer nature than “a Representation,” though this was not so hard a word as “a Remonstrance.”

† *Sic. Orig.*

[*Resolved*,

[*Resolved*, That a Representation be made to his Majesty, humbly to lay before him, how few the Instances have been, in former Reigns, of denying the Royal Assent to Bills for Redress of Grievances; and the great Grief of the Commons for his not having given the Royal Assent to several public Bills; and particularly to the Bill touching free and impartial Proceedings in Parliament, which tended so much to the clearing the Reputation of this House; after their having so freely voted to supply the public Occasions: Which was agreed to by the House, and a Committee was appointed to draw it up.]

*Saturday, January 27.*

Col. Granville reports the following humble Representation to his Majesty, &c.

“ We your Majesty’s most dutiful and loyal Subjects, the Commons in Parliament assembled, think ourselves bound in duty to your Majesty, humbly to represent, that the usage of Parliament in all times hath been, that what Bills have been agreed by both Houses for the redress of Grievances, or other public good, have, when tendered to the Throne, obtained the Royal Assent; and that there are very few instances, in former reigns, where such Assent, in such cases, has not been given; and those attended with great inconveniences to the Crown of *England*; especially where the same has been withheld by insinuations of particular Persons, without the Advice of the Privy-Council, thereby creating great Dissatisfactions and Jealousies in the minds of the People.

“ Your Commons therefore, out of their sincere desire of the welfare of your Majesty and your Government, and that you may always reign in prosperity and happiness in the affection of your Subjects, cannot, without great grief of heart, reflect, that, since your Majesty’s Accession to the Crown, several public Bills, made by Advice of both Houses of Parliament, have not obtained the Royal Assent; and, in particular, a Bill entitled, “ An Act touching free and impartial Proceedings in Parliament,” which was made to redress a Grievance, and take off a Scandal relating to the proceedings of your Commons in Parliament, after they had freely voted great supplies for the public occasions; which they can impute to no other cause than [your Majesty’s being unacquainted with the Constitutions of Parliament, and] the insinuations of particular persons, who take upon them, for their own particular ends, to advise your Majesty contrary to the Advice of Parliament; and therefore cannot look upon them but as Enemies to your Majesty and your Government.

“ Upon

“ Upon these considerations, we humbly beseech your Majesty to believe, that none can have so great a concern and interest in the prosperity and happiness of your Majesty, and your Government, as your two Houses of Parliament; and do therefore humbly pray, that, for the future, you will be graciously pleased to hearken to the Advice of your Parliament, and not to the secret Advice of particular persons, who may have private interests of their own, separate from the true interest of your Majesty, and your People \*.”

[Monday, January 29.

On the Articles against Lord *Coningsby* and Sir *Charles Porter*, the House *Resolved*, on the first Article, That the imposing the Oath mentioned in this Article was illegal; but that, considering the State of Affairs in *Ireland* at that Time, this House doth not think fit to ground an Impeachment upon it. On the second and third Articles, no ground of Impeachment appeared. On the fourth, *Resolved*, That the Order for the Execution of *Gafney*, without Tryal, was arbitrary and illegal; but, for the same reason as before, they declined to impeach Lord *Coningsby* upon it. On the fifth, sixth, and seventh, no ground of Impeachment appeared. And Lord *Coningsby*, and Sir *Charles Porter* were allowed to take their Places in the House.

The Speaker, and the whole House, attended the King with their Representation; which, his Majesty said, he would consider of, and give them an Answer on *Wednesday*.]

*Wednesday, January 31.*

The Speaker reported, That his Majesty had been pleased to give the following Answer to the Representation:

\* Instead of this last Paragraph, the following was originally drawn up by the Committee, but, on the Report, rejected by the House: “We beg, Sir, you will be pleased to consider us as answerable to those we represent; and it is from your Goodness we must expect arguments to soften to them, in some measure, the necessary Hardships they are forced to undergo in the present Conjunction; and therefore humbly beseech your Majesty,

for the removing all Jealousies from your People, (without which the Parliament will be less able to serve your Majesty, or to support the Government) to be pleased to follow the Course of the best of your Predecessors; and to direct some expedient, whereby your Majesty, your Parliament, and People may reap the Fruit designed by that Bill, to which your Majesty, by ill advice, was pleased so lately to deny the Royal Assent.”

“ Gentlemen,

*Gentlemen,*

“ I am [very] sensible of the good Affections you have expressed to me, upon many Occasions, and of the Zeal you have shown for our common Interest: I shall make use of this Opportunity to tell you, that no Prince ever had a higher esteem for the Constitution of the *English* Government than myself; and that I shall ever have a great regard to the Advice of Parliaments. I am persuaded that nothing can so much conduce to the happiness and welfare of this Kingdom, as an entire confidence between the King and People; which I shall, by all means, endeavour to preserve: And I assure you, I shall look upon such Persons to be my Enemies, who shall advise any thing that may lessen it.”

*Thursday, February 1.*

Debate on his Majesty’s Answer.

*Mr Paul Foley.*] I am of opinion that the King’s Answer to the Representation does not come up to what is aimed at; that we aimed at a settlement in the point, to have all our reasonable Bills of right to be passed; but since it can be no otherwise done, we must tack our Grievances to our Money-Bills; for we have just Fears and Grievances as long as we have a standing Army. The King tells us, “ He has a great regard to our Constitution;” but it appears not that he understands our Constitution, which he may take to be to reject our Bills of ever so just Grievances. I move “ That an humble Address may be made to the King for a farther Answer.”

*Sir Robert Cotton.*] What is said in the King’s Answer tends to full satisfaction (*And so reads each Paragraph, and with strained inferences descants thereon, like a Courtier.*)

*Mr Hutchinson.*] The King says, “ He is sensible of the good Affection we have expressed on *many* Occasions:” I am sorry it should not be expressed on *all* Occasions — The King may still reject our Bills as before, for any Assurance given us in his Answer. I think that, unless you keep the love of the People (whose Money you have freely disposed of) by securing to the People what the King promised at first, good correspondence with the King cannot be. (*And so reflects on Officers.*)

*Sir Thomas Littleton.*] It is hard to reflect on his Majesty’s Words in such wise, by making such nice distinction betwixt “ *many* Occasions,” and “ *all* Occasions.” I think that his Majesty’s

Majesty's Answer is very pat to the purpose. You make a Prayer at the end of the Representation, and his Majesty ties up his Answer to that Prayer, which desired nothing farther than is expressed in the Prayer. Would any man desire that the King should take occasion to say, "That he is sorry he did not pass the Bill, and that he will do so no more?" These expressions would not become his Majesty. I think it hard that such reflections should be upon those in Office, to be represented false to their Country: Pray let them be proved false, and punish them as severe as you will; but till such falsity is proved, pray let no man suffer for doing double duty to his King and Country both. We have many Enemies without doors, some at the very doors of the House, others at Cabals, who would be glad of our dissatisfaction with the King's Answer. But I, for my part, have a way how to guide my Vote always in the House, which is to vote contrary to what our Enemies without doors wish.

Sir *John Thompson.*] The Member that spoke last, hath a very uncertain rule to guide his voting, for our Enemies may alter their Opinion of Government, and all things, and daily do so, to make room for their better Fortunes. I do not take the Debate to be betwixt this House and the King, but betwixt this House and the Ministers, which if we remove not, they will remove us, and if your interest cannot do it, when the Government hath need of you, what will become of you hereafter? I take the King's Answer to be *responsum commune*, which serves for any thing, and at any time, either at the beginning, in the middle, or at the ending of a Parliament. I would humbly address the King for a farther Answer, more satisfactory.

Mr Comptroller *Wharton.*] I am sorry that any exception is to the King's Answer. It would be a difficult thing to draw up so many lines as the King's Answer doth consist of, so exactly, that it should not be possible for men of fine understanding to take some exception thereto. I take the Answer to be a promise, that, for the future, his Majesty will pass our public Bills. I find that those that are most dissatisfied, will not come up, neither can, to say that the King has not a right to reject Bills: Yet I am of that mind, that the Ministers that advised, did ill in so advising.

Mr *Bathurst* spoke as usual.

Sir *Charles Sedley.*] I know not how a crowned Head can descend to other Answer—But an offender at the Bar may be expected to say he will do so no more—(*In what else he said he was not well heard.*) I move, to rest satisfied.

Sir

*Sir John Lowther.]* The exceptions taken to the King's Speech, I think, are but few, and not strong. I think the exception by a worthy Member (*Hutchinson*) was rather a grammatical nicety—Next, I wonder much at an expression by some that have spoken, “that the King was altered himself.” Upon the whole, I think it a gracious Answer.

*Col. Granville.]* I think there is but one objection to the King's Answer, and that is, that it is no Answer at all, and therefore, for the same reason, I think fit to make a Representation. I am dissatisfied with an insufficient Answer. I therefore declare, I am for farther application for a farther Answer.

*Col. Mordaunt.]* I question whether the Answer called “Gracious” yesterday be so to-day. I think it doth not answer the intention of the Gentlemen that drew the Representation, neither doth it answer the body, but I am of opinion that it answers the Prayer at the ending thereof. I would willingly have a better Answer, but not by jangling and farther representing, which will show we did not well at first. But I would have us stay and observe what the King will do, for the future, in passing Bills.

*Mr Henry Herbert.]* Your Prayer is “That, for the future, &c.” And the King answers, and says, “He shall have regard to Parliaments;” which I take to be a promise for the future.

*Mr Harley.]* I could have wished his Majesty's Answer so clear, that all might have been satisfied: I could wish it had been more categorical and particular, and not an Answer by Inference only; for one man will make one Inference, and another infer quite the contrary. The King hath formerly said, in public Speeches and Declarations, “That he will be ready to pass all Bills for the satisfaction of his People;” and I could have wished this had been passed. I move to address for a farther Answer.

*Mr Norris.]* I think, the next time a public Bill is rejected, we shall have the best occasion to address for a farther Answer.

*Mr Hungerford.]* The King says, “He will have regard to the Advice of Parliaments,” yet he may have greater to the Cabinet-Council, to the Privy-Council, or any single Person.

*Lord Digby.]* If no Representation had been, I could better have let this matter have rested; but since you have appointed this day solemnly to take into consideration the King's Answer, I think fit to expect farther Answer; for this is so general, that the Answer will serve any thing, and for the future will be the same to all Addresses, as one agreed to by the Commons. This would

would not have been an Answer in former reigns; in this I expected a much better.

Admiral *Russel.*] I do not agree at all with the Lord that spoke last before me. I do not fear the King will make this Answer to every thing; for to me it seems plain that he promises for the future—I think, very great reflection hath been made upon those that have places. I acknowlege I have one, but I am as honest therein as any man that hath none. I move, That the House should be satisfied with this Answer.

Sir *John Knight.*] (*Rumbled nothing to the purpose.*)

Sir *John Morton.*] Takes down Sir John Knight, (*who had asked leave to go into the Country*) to order, and says, You have given that worthy Member leave to go into the Country, and I desire no farther Disturbance may be given to the House by him.

Brigadier *Leveson.*] I observe an Objection, “That the King’s Answer may serve to any thing.” Then why not to the Representation? At such a rate of receiving the King’s Answer, I think it the best way, that those that penned the Representation, should have gone to have penned his Majesty’s Answer.

Mr *Boscawen.*] Before the Question be put, “Whether you will address the King, whether a farther Answer should be required, or not,” I would have the condition of our affairs considered, and the posture. *Hannibal ad portas* is our condition. I do not justify the Answer as very exact and categorical. In some times, and some seasons, some things are to be passed by, and at this time I would have us rest satisfied.

Sir *Christopher Musgrave.*] You have a great matter before you, “Whether you have an Answer given to your Representation, or not,” of which so much has been said, that I have little left to say. I do not find the King hath considered the grief of the Commons, nor of the passing our Bills. The prospect is melancholy: For, suppose that we should have Peace, why truly what can we expect by such an Answer, which I think neither an Answer to the Body, nor to the Prayer, of the Representation? He only says, “He will have a regard to Parliaments.” For my part, I desire a good Correspondence, but can any one think less could be said? And plainly nothing is said, “That our Bills shall be passed for the future.” But the King’s Declarations have been such, that blame cannot be laid to the King, but it must be some ill private Counsel; since I hear from those of the Council, and those of the Cabinet, that they know nothing of this Answer. I move for a farther Representation.

Sir *Walter Yonge.*] I cannot agree, “That no Consideration hath been.” For the King told you “He would con-

sider, and give Answer," and so, no doubt, he hath considered. I take the King's Answer to be plainly, and in effect, that he owns your Constitution, and will pass your Bills without taking Advice of any to the contrary.

Mr Smith.] Was I not afraid that the negative Voice should be made a farther use of, I would have let this Question have rested, most contentedly. The Question, "Whether we should address farther, or not," is a dangerous Question: Therefore I think it best to wait, and see what will be done at the next tender of our Bills. If Peace comes, I am in no such Fears as some have suggested, for there will be so great a Debt upon the Crown, that it cannot set up for itself.

Mr Goodwin, Wharton, and two or three more, spoke, but to the same purpose with others before them.

[The Question being put, That an humble Application be made to his Majesty, for a farther Answer to the humble Representation of this House; it passed in the Negative, 229 to 88\*.

*Friday, February 16.*

Mr Rainsford's Examination, and Lord Falkland's Information, before the Commissioners of Accounts, being read, and Lord Falkland having been heard, and withdrawn;

A Motion being made, and the Question being put, That Lord Falkland, being a Member of this House, by begging and receiving 2000*l.* from his Majesty, contrary to the ordinary Method of issuing and bestowing the King's Money, is guilty of a high Misdemeanor and Breach of Trust; it passed in the Affirmative, 143 to 126.

*Resolved*, That Lord Falkland be committed to the Tower of London, during the Pleasure of this House; and that Mr Speaker do issue his Warrant accordingly †.

*Wednesday, April 25, 1694.*

All the Money Bills being passed, and the King desirous of beginning an early Campaign, he came to the House of Peers, and closed the Session with the following Speech:

" *My Lords and Gentlemen,*

" The Proofs you have given of your Affection to me, and the Zeal you have expressed for the Government, oblige me

\* This Bill was brought in again, and received the Royal Assent, in the following Session.

† He was discharged, upon his Petition, on the 19th.

to return you Thanks before I put an End to this Session ; and, in particular, to thank you *Gentlemen, of the House of Commons*, for the large Supplies you have provided to carry on the War.

“ I will endeavour to do my Part ; and it is from the Blessing of God that we must all expect such Success as may answer our Desires.

“ The Posture of Affairs making it necessary for me to be absent for some time out of the Kingdom, I recommend it to you that in your several Stations you will be careful to preserve the public Peace.”

Then the Lord Keeper, by his Majesty’s command, prorogued the Parliament to *September 18.*]

*E N D of VOL X.*



## C O N T E N T S.

## C O N T E N T S O F V O L . I .

1667.

## First Parliament of King CHARLES II.

## S E S S I O N .

<b>T</b> HE King's Speech	1
Debate on a Bill to prevent the Growth of Popery	ib.
on a Bill for taking the Accounts of public Money	3
On Lord St John's striking Sir Andrew Henley in Westminster Hall	5
Precedents of Impeachments in capital Cases reported	6
Debate thereon	7
on the Articles against the Earl of Clarendon	15
The Articles at large (in the Notes)	16
Debate thereon resumed	23
Duke of Albemarle's Relation of Chatham Miscarriage (in the Notes)	24
Debate thereon	ib.
on the Articles against the E. of Clarendon resumed	27
Examination of Matter of Speech in Parliament reported	37
The Earl of Clarendon impeached	38
Debate on the settling Trade between England and Scotland	39
on re-committing the matter concerning Commissioner Pett	ib.
Occasionally, on his Majesty's Plantations	40
Debate on the Lords Vote concerning the E. of Clarendon	41
on the Lords desiring a Conference	44
on Mr Aſſburnham's receiving a Bribe	46
Mr Aſſburnham expelled	ib.
Debate on Freedom of Speech resumed	47
Conference on the Earl of Clarendon reported	48
Debate thereon	52
on an Information of a Cheat	53
Message from the Lords on the Earl of Clarendon	54
Debate thereon	ib.
on the Bill of General Naturalization	56
VOL. X. at the End.	a
	Debate

2 CONTENTS to VOL. I.

Debate on the Earl of <i>Clarendon's</i> withdrawing	57
— on the Paper left by him	58
— on the Votes proposed in order to Impeachment	60
Conference on Freedom of Speech reported	61
Articles against Ld Chief Justice <i>Keeling</i>	62
— His Defence	63
Debate on the Bill for banishing the Earl of <i>Clarendon</i>	64
Lord Chief Justice <i>Keeling's</i> Answer to the Articles	67
Conference reported	68
Abuses in enhancing the Prices of Wood, &c. reported	ib.
D. of <i>York's</i> Answer relating to <i>Sheerness</i>	69
Debate on Miscarriages (Want of Intelligence)	70
Lord <i>Brunkard's</i> Charge and Defence	71
Debate on Miscarriages resumed (dividing the Fleet)	74
— The same resumed	80
— The same (not fortifying <i>Sheerness</i> )	81
Debate on a Bill for frequent Parliaments	82
— on a Bill for a Supply	84
— on a Bill for settling the Prices of Wines	86
— on Miscarriages resumed (slacking the Sails)	ib.
— on Mr <i>Fitton's</i> Case	88
— on a Petition thereon	89
— on the Supply	ib.
— on Mr <i>Fitton's</i> Case resumed	90
— on an Information of Sale of Offices	92
— on the Supply	93
— The same resumed	95
Debate on Miscarriages resumed	98
— on a Bill to prevent Abuses in the Hearth-Money	ib.
— on the Supply resumed	ib.
Mr <i>Offley's</i> Arguments in Mr <i>Fitton's</i> Case	100
Debate on disturbing of Ministers	103
— on the Supply resumed	106
— The same	108
— on the Bill for preventing Robberies	109
— on the Supply resumed	ib.
— on uniting his Majesty's Protestant Subjects	110
— on the Supply resumed	115
— on the latter part of the King's Speech	ib.
— on the Supply resumed	116
— The same	118
— on comprehending the Clergy in the Poll Bill	119

1668.

Debate on a Bill to enable <i>Durham</i> to send Members	120
— on a Bill for Relief of the Wives and Children of Persons	
dying intestate	121
— on the Bill for raising 100,000 <i>l.</i> on Wine and Brandy	123
— Debate	

## CONTENTS of VOL. I.

Debate on illegal Commitments by the Deputy Lieutenants	123
— on Mr <i>Goring</i> 's Complaint of Breach of Privilege	124
— on the Bill for regulating the Tryals of Peers	126
— on uniting his Majesty's Protestant Subjects resumed	<i>ib.</i>
— on Sir <i>Fretchville Holles</i> 's Complaint of Breach of Pri- vilege	132
— on the Charge against <i>Constantine</i> , a Lawyer	<i>ib.</i>
— on the Charge against Sir <i>William Penn</i>	133
Sir <i>William Penn</i> 's Answer	136
Debate thereon	<i>ib.</i>
Witnesses examined in regard to slackening Sail	139
Farther Information against Mr <i>Brunkard</i>	141
Debate on Sir <i>William Penn</i> 's Impeachment	<i>ib.</i>
— on suspending him from sitting in the House	142
— on the Miscarriage in slackening Sail resumed	143
Mr <i>Brunkard</i> expelled	144
Debate on the Petition of the <i>Irish</i> Adventurers	<i>ib.</i>
— on disprivileging Sir <i>William Penn</i>	145
— on the Bill against Conventicles	146
Sir <i>Robert Howard</i> 's Answer to his Lady's Petition	147
Debate on the Bill for raising 310,000 <i>l.</i>	148
— on the <i>E. India Company</i> 's Petition	150
— The same resumed	155
Report from the Committee	<i>ib.</i>
<i>Adjournments and Prorogation.</i>	

166.

## SESSION.

Debate on the Report from the Commissioners of Accounts	157
— on the Bill against Conventicles	160
— on the Report of the Commissioners of Accounts re- sumed	163
— on hearing Sir <i>George Carteret</i> by his Counsel	164
— on the Report, &c. resumed (Counsel heard)	165
— on the Information in the <i>King's Bench</i> against Mr <i>Brunkard</i>	168
— on the Report, &c. resumed (Sir <i>Geo. Carteret</i> 's Charge)	169
— The same resumed (Sir <i>George Carteret</i> 's Defence)	170
Debate thereon	171
— on the Bill against Conventicles	174
— on standing by his Majesty with Lives and Fortunes	175
— on Sir <i>Fretchville Holles</i> 's Complaint against Mr <i>Offley</i>	<i>ib.</i>
— on the Supply	176
— on the Report of the Commissioners of Accounts re- sumed	178
	Debate

4 CONTENTS to VOL. I.

Debate on a Complaint against Serjeant <i>Flint</i>	179
— on the Report, &c. resumed	180
Sir <i>George Carteret's</i> Counsel heard	<i>ib.</i>
Debate thereon	181
— on a Petition against the Earl of <i>Orrery</i>	182
— on the Supply	186
— on the Bill for regulating the Tryals of Peers	189
Earl of <i>Orrery's</i> Answer to his Charge	195
Debate thereon	200
— on Sir <i>John Griffith's</i> Removal	202
— on the Supply	<i>ib.</i>
— on the Report, &c. resumed	<i>ib.</i>
— on the Busines of <i>Skinner</i> resumed	204
— on the new Duties on Wine	208
— on <i>Bridgewater</i> Election	<i>ib.</i>
Reasons to be delivered at a Conference	209
Debate thereon	210
— on the Supply	211
— on the Charge against the Earl of <i>Orrery</i> resumed	212
— on Judgment against Sir <i>George Carteret</i>	213
<i>Prorogation.</i>	

SE S S I O N.

Debate on a Petition of the Importers of Brandy	215
— on the Bill of Conventicles	220
— on Mr <i>Hale's</i> Complaint	223
Message to the Lords thereon	225
The Lords Answer	<i>ib.</i>
Debate on the Petitions on Brandy	<i>ib.</i>
— on the Bill of Conventicles	226
— on Comprehension	229
— on the Bill for regulating Juries	230
— on the Bill for encouraging Tillage	231
— on a Bill for repairing Highways	232
— on the Consideration of the public Accounts	233
Counsel heard for the Commissioners	235
Debate on the Bill against transporting <i>English</i> Subjects, &c.	236
Counsel heard on the Wine Merchants Petition	237
Debate on the Bill for prohibiting foreign Brandy	240
— on the Bill for re-building the City	243

1670.

Debate on <i>Tamworth</i> Election	243
— on the Lords Provisos to the Bill of Conventicles	245
— on Lord <i>Roos's</i> Bill of Divorce	251
Reasons	

## CONTENTS to VOL. I.

5

Reasons for Conference	—	254
Debate on Lord Roos's Bill resumed	—	ib.
The same	—	256
The same	—	257
Conference reported	—	263
Debate thereon	—	265
— on the Bill for selling the Fee-farm Rents	—	266
— on the same	—	268
<i>Adjournment.</i>		
Lord Keeper Bridgman's Speech	—	269
Debate on the King's Debts, &c.	—	270
— on the same resumed	—	271
— on the Supply	—	272
The same resumed	—	275
The same (Tobacco)	—	277
The same	—	279
Debate on Sir John Prettyman's Suspension	—	283
— on the Supply resumed	—	ib.
— on the same (Tobacco and Salt)	—	285
— on Lord Newburgh's Complaint	—	288
— on the same resumed	—	289
— on the Supply resumed (Currants)	—	292
— on the Business of Jekyll and Hayes	—	294
— on the Augmentation of Vicarages	—	300
— on the Supply resumed (new Buildings)	—	301
— on Sir John Prettyman's Case resumed	—	302
Counsel heard	—	ib.
Debate on Hayes and Jekyll resumed	—	303
— on the same	—	307
— on the Supply resumed (Salt, and French Canvasses)	—	310
(Thrown Silk)	—	311
(Sugar)	—	312
— (White Sugar of the English Plantations)	—	313
— on the Supply resumed (Land Taxes)	—	314
— on the same	—	317
— on the same	—	319
— on the same (Subsidies)	—	321
List of Members that had in their Hands Arrears of Moneys due to his Majesty	—	322
Debate on the Supply resumed (Subsidies)	—	323
— on the same Offices	—	325
— (Debts)	—	328
— (Covenants)	—	330
— on the Commission (for the Subsidy)	—	331
Information of an Assault on Sir John Coventry	—	333
Debate thereon	—	ib.
— on the Bill to prevent Maiming	—	341
— on the Subsidy Bill	—	349
Debate		

6 CONTENTS of VOL. I.

Debate on <i>Devonshire</i> Election	353
— on the Subsidy Bill (Bankers Proviso)	355
— on the same	357
— on the Bill for encouraging the Trade of Merchant Adventurers	360
— on the Subsidy Bill (Offices)	361
— (Land)	362
— (Coal, Lead, and Tin-Mines)	365
— on the Lords Amendments to the Maiming Bill	368
— on the Subsidy Bill (Oath of Assessors)	370
— on the Register Bill	372
Conference on the Maiming Bill reported	ib.
Debate thereon	373
Conference on the Maiming Bill reported	377
Debate on the <i>Irish</i> Light-Houses	383
Conference on the Maiming Bill	387
Debate on doubly assessing Members, Defaulters in Attendance	390
— on the Preamble of the Subsidy Bill	394
— on the additional Bill of Excise	395
Sir <i>Edward Thomas</i> 's Petition against his Son	400
Mr <i>Thomas</i> 's Defence	ib.
Debate on the Petition of the Sugar-Refiners	401
Counsel heard for the Governors of the Corporation of the Poor	403
Occasionally, on fining of Juries	406

1671.

Debate on the Bill for laying an Imposition on Law Proceedings	409
— on the Bill of Conventicles	412
— on the Bill for building a Bridge at <i>Putney</i>	415
— on the Bill of Conventicles	417
— on the Bill for laying an Imposition on Law Proceedings	423
— on the Lords desiring a Conference	424
Answer to the Lords	426
The Lords Reply	427
Debate thereon	ib.
Conference, and Debate thereon	428
Message to be presented at a Conference	432
Message from the Lords, and Conference	433
Address to encourage Home Manufactures	434
Debate on the Lords Amendments to the Bill for an Imposition on foreign Commodities	435
Instructions to the Managers of the Conference	444
Sergeant <i>Maynard</i> 's Arguments in <i>Skinner's Case</i>	445
— Debate	

## CONTENTS of VOL. II.

Debate on the Bill for settling the Maintenance of Ministers in <i>London</i>	462
The King's Answer to the Address	463
Debate on the Conference	<i>ib.</i>
Thanks voted to the Attorney General	466
Prorogation	467

## CONTENTS TO VOLUME II.

### SESSION

1672.

<b>S</b> IR <i>Job Charlton</i> chosen Speaker	1
The King's Speech	<i>ib.</i>
Debate on the Lord Chancellor's issuing Writs, &c.	2
—on the Supply	8
—on the King's Declaration for Indulgence	12
The same resumed	13
Address thereon	26
Debate on the Address	<i>ib.</i>
—on desiring the Lords Concurrence	36
Mr <i>Seymour</i> chosen Speaker	37
Debate on granting Ease to his Majesty's Protestant Subjects	38
—on preparing a Bill for granting Ease, &c.	42
—on Motions to desire an Answer from the King	48
—The same resumed	<i>ib.</i>
The King's Answer	54
Debate thereon	55
—The same resumed	60
Answer to the King's Message	62
Debate thereon	<i>ib.</i>
—on some Words that fell from Sir <i>John Trevor</i>	66
—on the Bill of Ease	69
Heads of the Bill	73
Debate thereon	<i>ib.</i>
—on a Petition for saving Houses from Fire	74
—on removing Papists from public Employment	<i>ib.</i>
Address for preventing the Growth of Popery	78
Debate thereon	79
—on prolonging the Day appointed for the Supply	82
—on the Bill to prevent the Growth of Popery	83
—on the Lords Amendments	86
—on the Bill of Ease	89
Reasons to be presented on the Lords Amendments	90
The King's Answer to the Address	91
Ditto to the second Address	<i>ib.</i>
	Debate

8. CONTENTS to VOL. II.

Debate thereon	—	—	ib.
—on the Bill of Ease	—	—	92
—on the Bill to prevent the Growth of Popery	—	—	97
—on the Amendments to the Bill of Ease	—	—	100
—on Mr <i>Jay's</i> being taken in Execution	—	—	107
—on ingrossing the Bill for the Supply	—	—	108
—on a Proviso in the Bill of Ease	—	—	116
—on ingrossing the said Bill	—	—	117
—on several Grievances concerning <i>Ireland</i>	—	—	118
—on other Grievances	—	—	129
—on the Bill of Ease	—	—	132
—on the Bill for exempting the Freemen of <i>London</i> from Butle- rage and Prizage	—	—	136
—on the Bill of Supply	—	—	177
—on the Lords Amendments to the Popery Bill	—	—	139
—on the Bill for uniting Parishes in <i>Exeter</i>	—	—	146
—on the Lord's Proviso's in the Popery Bill	—	—	147
—on a Motion against the Lord Treasurer <i>Clifford</i>	—	—	152
—on the Bill of General Naturalization	—	—	154

1673.

Conference reported on the Lords Amendments	—	—	157
Debate on including the Queen's Servants	—	—	158
Address on the <i>Irish</i> Grievances	—	—	159
—on Grievances in <i>England</i>	—	—	161
The King's Answer	—	—	163
Debate on the Lords Amendments to the Bill of Ease	—	—	ib.
—on the Bill for the King's free Pardon.	—	—	169
—on the Amendments to the Bill of Ease resumed	—	—	171
—on Members taking the Test	—	—	174
—on printing the Addresses on Grievances	—	—	177
Conference reported	—	—	ib.
Debate thereon	—	—	178
Adjournment	—	—	181
Address against the Duke of <i>York's</i> Match	—	—	183
Prorogation	—	—	ib.

S E S S I O N.

The King's Speech	—	—	ib.
Debate thereon	—	—	184
—concerning the Speaker	—	—	186
—on Sir <i>Paul Neal's</i> sitting in the House	—	—	188
The King's Answer to the Address against the Duke's Match	—	—	189
Debate thereon	—	—	190
—on the Test in the Popery Bill	—	—	196
—on the King's Speech resumed	—	—	197
		Second	

CONTENTS of VOL. II.

9

Second Address against the Duke's match	—	214
Debate on Grievances	—	223
The King's Speech	—	ib.
<i>Prorogation.</i>		
The King's Speech	—	ib.
Debate on pressing Men for Soldiers	—	225
— on Mr <i>Mallet's</i> reading his Speech	—	227
— on Grievances	—	229
Complaints against the Duke of <i>Lauderdale</i>	—	237
— against the Duke of <i>Buckingham</i>	—	245
Duke of <i>Buckingham's</i> Letter to the Speaker	—	248
Duke of <i>Buckingham</i> called in	—	249
His Speech to the House	—	250
Debate thereon	—	251
The King's Answer to the Addresses	—	253
Debate on the Duke of <i>Buckingham</i> resumed	—	ib.
Duke of <i>Buckingham</i> called in again	—	260
His Speech to the House	—	ib.
Questions to the Duke, and his Answers	—	262
Debate thereon	—	264
Complaint against the Earl of <i>Arlington</i>	—	270
Articles against him, and Debate thereon	—	271
Earl of <i>Arlington's</i> Letter to the Speaker	—	274
Debate thereon	—	ib.
Earl of <i>Arlington</i> called in	—	275
His Speech to the House	—	ib.
Questions on the Earl, and his Answers	—	279
Debate thereon	—	280
The same resumed	—	ib.
Occasionally on <i>Dover</i> Election	—	288
Debate on the Earl of <i>Arlington</i> resumed	—	289
Search of the Lieutenant of the <i>Tower's</i> Books reported	—	301
Debate thereon	—	302
— on the Earl of <i>Arlington</i> resumed	—	303
— on disorders in <i>Newark</i> Election, &c.	—	317
— on the Earl of <i>Arlington</i> resumed	—	318
— on the Bill for the more speedy Conviction of Papists	—	329
— on a Petition from some Masters of Ships	—	330
— on the regulating Elections	—	333
— on Grievances	—	334
— on bringing in a Bill for an imposition on Coals	—	335
— on bringing in a Bill for paving, &c. the Streets	—	336
— on the Bill for relief of Persons imprisoned by <i>Habeas Corpus</i>	—	338
The King's Speech	—	ib.
Debate thereon	—	ib.
— on the States General's Letter	—	339
— on Mr <i>Muddiford's</i> Petition	—	341
— on the King's Speech resumed	—	343
VOL. X.	b	Debate

Debate on the Habeas Corpus Bill	349
—on the King's Speech resumed	350
—on Mr <i>Bernard Howard's</i> Petition	358
—on altering the House	363
—on the King's Speech resumed	<i>ib.</i>
—on the Habeas Corpus Bill	364
—on <i>Newark Charter</i>	368
—on addressing against the Dukes of <i>Buckingham</i> and <i>Lauderdale</i>	372
—on Members taking Bribes	374
<i>Masters</i> examined thereon	375
Debate on a Message from the Lords	<i>ib.</i>
—on Sir <i>Thomas Byde's</i> Commitment by the Green Cloth	377
Heads of a Bill for the better Conviction of Papists	380
Debate on the Vote on the Duke of <i>Buckingham</i>	381
The King's Answer to the Address	385
Debate on the Duke of <i>Norfolk's</i> being detained beyond Sea	<i>ib.</i>
—on a Bill for the relief of poor Debtors	388
—on the Habeas Corpus Bill	389
—on Grievances	390
—on Mr <i>James Percy's</i> petition	400
—on the Bill to prevent illegal exacting Money	404
—on Mr <i>Pepys's</i> being accused of being a Papist	407
The King's Speech	413
Debate on Grievances	<i>ib.</i>
—on some Amendments proposed to the Habeas Corpus Bill	414
—on the Bill for settling the Fees and Powers of Judges	415
Lord <i>Shaftbury's</i> Information in Mr <i>Pepys's</i> Case reported	420
Debate thereon	<i>ib.</i>
—on Mr <i>George's</i> complaint of Breach of Privilege	421
—on Commitment by the King's Warrant	424
—on the Bill to regulate Elections	425
—on Mr <i>Pepys's</i> Accusation resumed	426
—on the Amendments to the Habeas Corpus Bill	433
—on the Bill for better attendance in Parliament	434
Mr <i>Barrel</i> reprimanded	435
Debate on the present State of <i>Ireland</i>	<i>ib.</i>
—on the Bill for Ease of Sheriffs	440
—on the present state of <i>Ireland</i> resumed	441
—on the Bill concerning <i>Lindsay Level</i>	445
—on Mr <i>Howe's</i> asking leave to go into the Country	<i>ib.</i>
—on the Lord's Bill for Tryal of Peers.	447
Prorogations	454

CONTENTS of VOL. III. ii

CONTENTS TO VOLUME III.

1675.

<b>T</b> HE King's Speech	1
Debate on the Bill to prevent illegal exacting of Money from the Subject	2
—on recalling the <i>English</i> Forces out of <i>France</i>	3
—on the Bill for restraint of building near <i>London</i> and <i>West- minster</i>	9
—on Sir <i>John Prettyman's</i> Case	10
—on the Bill of <i>Popery</i>	15
Dr <i>Burnett's</i> Examination reported	18
Translations of several Rolls of Parliament	19
Debate thereon	21
—on the Militia	23
—on the Addrefs concerning the Duke of <i>Lauderdale</i>	24
The Addrefs at large	28
Dr <i>Burnet</i> examined	30
Debate on the State of the Navy	34
—on the Articles against Lord Treasurer <i>Danby</i>	40
The Articles at large	49
Debate on the first Article	50
Mr <i>Mounteney</i> examined	52
Sir <i>Robert Howard</i> examined	53
Debate thereon	54
The same resumed	57
Sir <i>John Duncombe</i> examined	ib.
Debate on the 2d Question proposed to him	58
—on the 3d and 4th Questions	64
—on the 5th Question	*50
—on the 7th Question	*51
—on the 2d Article against the Earl of <i>Danby</i>	*51
—on Dr <i>Burnet's</i> Evidence	*52
—on the Bill to incapacitate Parliament-men from taking Places	*53
The Mayor and Aldermen of <i>Canterbury</i> reprimanded	*58
The Articles against the Lord Treasurer resumed	*ib.
Questions to be asked of the Lord Mayor	*64
Debate thereon	81
The Lord Mayor examined	82
Debate thereon	ib.
—on the 3d Article against the Earl of <i>Danby</i>	83
—on the 4th Article	89
—on the 5th Article	91

*N. B. All the pages marked thus \* are printed wrong.*

12 CONTENTS of VOL. III.

Debate on the 6th Article	—	—	92
— on the 7th Article	—	—	94
— on the Navy Business	—	—	96
<i>Salter and Nead</i> examined	—	—	102
Debate thereon	—	—	103
— on the <i>English</i> going over to <i>France</i>	—	—	104
Message to the Lords on Dr <i>Shirley</i> 's Appeal	—	—	ib.
Debate on the Bill to prevent illegal Imprisonment	—	—	105
— on <i>Robert Murray</i> 's Petition	—	—	ib.
Message from the Lords	—	—	106
The King's Answer to the Address against the Duke of <i>Lauderdale</i>	—	—	107
Debate thereon	—	—	ib.
— on the Lords Proceedings in Dr <i>Shirley</i> 's Appeal	—	—	112
The King's Answer to the Address for recalling the <i>English</i> Forces	—	—	115
Debate thereon	—	—	116
Ditto in a Grand Committee	—	—	122
Disorder on the Division	—	—	128
Debate on going again into a Grand Committee	—	—	130
Report from the Committee appointed to search the Lords Journal	—	—	139
Debate thereon	—	—	140
— on Lord <i>Mobun</i> 's taking away the Speaker's Warrant	—	—	147
Message to the Lords to complain thereof	—	—	ib.
The Lords Answer	—	—	148
Debate thereon	—	—	ib.
Message from the Lords	—	—	151
Debate thereon	—	—	ib.
Answer to the Lords Message	—	—	155
Reasons for the Conference reported	—	—	156
Debate on receiving no more Bills	—	—	ib.
— on the Bill for explanation of an Act against Popish Recu- fants	—	—	167
The Lords Answer to the Message in Mr <i>Onslow</i> 's Case	—	—	ib.
Debate thereon	—	—	ib.
Notes taken from the Counsel that pleaded <i>Chester</i> Election	—	—	174
Heads of the additional Bill against Popery	—	—	ib.
Debate on the Bill for appropriating the Customs	—	—	175
Reasons to be offered at the Conference	—	—	176
Debate thereon	—	—	ib.
— on the Bill of Popery	—	—	178
The Lords Answer to the Reasons reported	—	—	180
Debate thereon	—	—	181
Address for recalling the Forces reported	—	—	184
Debate on the intended Conference	—	—	185
— on the Bill to prevent the growth of Popery	—	—	186
— on a Clause in <i>Newark</i> Charter	—	—	187
		Counsel	

CONTENTS of VOL. III.

13

Counsel heard thereon	—	—	188
Debate thereon	—	—	191
Conference reported	—	—	193
Debate thereon	—	—	ib.
— on the Lords judicature of Appeals	—	—	199
Conference reported	—	—	207
Debate thereon	—	—	ib.
— on the Address against the D. of <i>Lauderdale</i>	—	—	211
Four Lawyers brought to the Bar	—	—	218
Debate thereon	—	—	219
The Lawyers committed	—	—	226
Debate on Mr <i>Dalmaboy's</i> Case	—	—	ib.
Reasons for a Conference reported	—	—	230
Debate on the Serjeant's neglect	—	—	232
The Serjeant sent to the <i>Tower</i>	—	—	235
Debate on the Habeas Corpus Bill	—	—	239
Conference reported	—	—	ib.
Debate thereon	—	—	240
— on the Speaker's taking into custody Serjeant <i>Pemberton</i>	—	—	247
An Order of the Lords reported	—	—	252
The Warrant for committing the Lawyers to the <i>Tower</i>	—	—	253
Debate thereon	—	—	ib.
— on protecting the Serjeant	—	—	256
Answer to the Lords Conference reported	—	—	257
Debate on the Serjeant's Removal	—	—	260
King's Speech, and Debate thereon	—	—	261
Debate on the Serjeant's removal resumed	—	—	269
— on Sir <i>John Fagg's</i> Summons to the Lords	—	—	ib.
— on the Habeas Corpus	—	—	276
— the same resumed	—	—	282
Search of the Lords Journal reported	—	—	289
The King's Speech, and Prorogation	—	—	ib.

S E S S I O N.

The King's Speech	—	—	299
Debate thereon	—	—	ib.
Mr <i>Howard's</i> Letter found in <i>St James's Park</i> .	—	—	292
Debate on the King's Speech resumed	—	—	293
Mr <i>Howard's</i> Answer to the Committee reported	—	—	297
Debate thereon	—	—	ib.
— on the King's Speech resumed	—	—	301
— in a Grand Committee of Religion	—	—	311
— on bringing in a Bill for educating the Children of the Royal Family in the established Religion	—	—	311
— on Lord <i>Cavendish's</i> putting Mr <i>Howard</i>	—	—	312
Lord <i>Cavendish</i> sent to the <i>Tower</i>	—	—	316
Debate on the Bill for appropriating the Customs	—	—	317
Heads of the Bill to prevent the illegal exaction of Money	—	—	320
Debate thereon	—	—	321
— on the Building more Ships	—	—	323
Debate			

14 C O N T E N T S of VOL. III.

Debate on bringing in a Bill for the free exportation of Coals	333
— on the King's Subjects going into the <i>French</i> service	334
— on Lord <i>Cavendish</i> 's being challenged	337
— on the State of the Kingdom	341
Mr <i>Howard</i> 's Speech at the Bar	350
Debate thereon	<i>ib.</i>
Mr <i>Howard</i> sent to the <i>Tower</i>	353
Debate on the Motion for burning his Paper	<i>ib.</i>
— on lodging the Money for the Ships in the Chamber of	
London	354
— on some Words which fell from Sir <i>John Hotbam</i>	366
— on Letters sent to particular Members	370
— on the Ships	372
— on the previous Question	377
— on the Ships resumed	385
— the same	399
— on the Report from the Committee	411
— on Mr <i>Howard</i> 's Petition	417
— on <i>St Germain</i> 's assault on <i>Luzancy</i>	419
— on the Popery Bill	425
— on the Way of raising the Supply	<i>ib.</i>
— on the Bill to prevent the Exportation of Wool	430
— on a Conference sent to the Lords	435
— on the State of the Kingdom	436
— on the Bill for Exportation of Wool	446
— on the Supply	<i>ib.</i>
— on the Bankers Security for Money lent upon the Customs	
	450

C O N T E N T S to VOL. IV.

DEBATE on regulating Elections	1
Vote thereon	4
M. <i>Luzancy</i> 's Business reported	5
Debate thereon	<i>ib.</i>
— on the Default of not apprehending <i>St Germain</i>	7
— on Sir <i>John Fagg</i> 's Summons to the Lords	9
— on a Motion for a Bill to allow Polygamy	<i>ib.</i>
— on Sir <i>John Fagg</i> 's Case resumed	10
— on Sir <i>Edmund Jennings</i> 's being made High Sheriff	16
— on Sir <i>John Fagg</i> 's Case resumed	27
Message from the Lords	39
Debate on the Stationers Petition	40
The Stationers reprimanded	41
Debate on the Clerk's Delay of the Order to attach <i>St Germain</i>	<i>ib.</i>
— on a Motion for a Committee to consider of Appeals	42
— on forbidding the Lawyers to plead therein	44
Reasons to be offered at a Conference	49
	Debate

## CONTENTS to VOL. IV.

15

Debate on the Act to prohibit <i>Irish</i> Cattle	—	49
—on forbidding the Lawyers, &c. resumed	—	50
Vote thereon	—	52
Dr <i>Shirley</i> and Sir <i>Nicholas Stoughton</i> ordered into Custody	—	54
Prorogation	—	ib.
<i>Appendix.</i>		
Arguments on the Prorogation	—	55
Reasons to prove it illegal	—	57
Extract from <i>Knighton's History</i>	—	58

1676.

The King's Speech	—	63
Debate on the last Prorogation	—	64
Sir <i>John Holland's</i> Charge against Mr <i>Ashburnham</i>	—	73
Debate thereon	—	74
—on Sir <i>Robert Holt's</i> Petition	—	77
—on the Prorogation resumed	—	80
—on the same	—	81
—on the Bill for regulating Elections	—	95
Heads of the Bill for recalling the <i>English</i> Forces	—	98
Petition of the Duke of <i>Norfolk's</i> Brothers	—	ib.
Debate thereon	—	99
—on Mr <i>Wharton's</i> asking leave to see his Father	—	101
—on Sir <i>Thomas Strickland's</i> Conviction of Popery	—	102
—on the King's Speech	—	103
—on the Supply	—	112
—on the Bill for recalling the <i>English</i> Forces	—	131
—on the Bill to prevent illegal Exaction of Money	—	134
—on Grievances	—	138
—on Sir <i>Lewis Palmer's</i> Complaint	—	147
—on the Bill for voiding Bonds of Resignation	—	149
—on the Supply	—	ib.
Petition against the Bill for exporting Leather	—	159
Debate on the Bill to encourage the planting of Hemp and Flax	—	160
Note sent into the House to Sir <i>John Hotham</i>	—	164
Complaint against the Clerk	—	ib.
Debate on Dr <i>Cary's</i> Commitment by the Lords	—	165
—on some Words that fell from Sir <i>Henry Goodrick</i>	—	170
—on the Method of raising the 600,000 <i>l.</i>	—	173
—on bringing in a Bill to repeal the Statute of Wages	—	177
—on appropriating the Customs	—	180
—on Sir <i>Thomas Strickland's</i> Letter of Excuse	—	188
Sir <i>Thomas Strickland</i> expelled the House	—	ib.
Debate on Grievances	—	ib.
—on Grievances resumed (Passes)	—	204
—on the Duke of <i>Norfolk's</i> Confinement at <i>Padua</i>	—	217
Addrefs		

Address on the growing Greatness of the French King	223
Debate on the Brewers Petition	224
— on farther Supply	225
— on the Bill for releasing the Counties, &c. from Wages	237
Conference reported	240
Debate thereon	241
— on the Bill of Wages resumed	244
— on the Lords Amendments to the Address resumed	245
Counsel heard for the Duke of Norfolk's Guardian	253
Debate thereon	254
Reasons for not agreeing to the Lords Amendments	255
Debate on recalling the English Forces	ib.
— on Mr Harrington's Commitment by the Council	262
The King's Answer to the Address	268
Debate on Mr Harrington's Commitment resumed	ib.
Mr Harrington examined	275
Debate thereon	276
Harriot examined	277
Mr Murray ditto	279
Debate thereon	280
— on educating the Children of the Royal Family	284
— on Newark's sending Burgeesses	297

1677.

Debate on the Motion for a farther Address	—	304
— on Stamford Election	—	315
— on the Bill for educating the Children of the Royal Family	—	318
— on the Bill to prevent Frauds, &c. in importing Irish Cattle	—	326
— on Mr Marvell's striking Sir Philip Harcourt	—	328
Address for farther Alliances reported	—	331
Debate thereon	—	332
Heads of a Bill for preserving the Protestant Religion	—	334
Debate thereon	—	335
Heads of a Bill for suppressing the Growth of Popery	—	339
Debate on the Bill to continue the additional Duty of Excise	—	341
— on a Clause proposed for the Exportation of Corn	—	ib.
Address concerning the Duke of Norfolk	—	342
Message from the King	—	343
Debate thereon	—	ib.
Conference reported	—	351
Address to the King	—	352
Message from the King	—	353
Address in Answer	—	354
Adjournment	—	355
	Debate	

## CONTENTS of VOL. IV.

	37
Debate on the King's last Message	355
The King's Speech	304
Debate thereon	362
Address reported	374
Debate thereon	377
The King's Answer	389
Adjournment	390
Ditto	391

## CONTENTS TO VOL. V.

	1
Message from the King, and Adjournment	2
Message from the King, and Adjournment	ib.
The King's Speech	4
Debate thereon	4
on the Speaker's Adjournment of the House	5
on the King's Speech	17
on the late King's Interment	32
on the irregular Proceedings of the Collectors of the Chimney-Money	35
on the Address to the King	37
on the Proviso for prohibiting French Trade	44
The Address at large	45
Debate on Sir Solomon Sawle's Recusancy	47
on the granting of Paper Protections	ib.
on Mrs Collington's Petition against Col. Wanklyn	48
Col. Wanklyn expelled the House	57
Debate on a Ship laden with Powder bound to France	58
on the Bill to prevent clandestine Marriages	59
The King's Answer to the last Address	60
Debate thereon	62
on the Supply	76
on the same	77
on the same	96
on the same	110
on the Charge of Foot-raising	111
in a Grand Committee	113
in the House	119
on the Speaker's Adjournment resumed	122
on the Bill for a public Register	144
Estimates reported	148
Debate on the Navy Charge	ib.
on the Land-Charge	149
on the Bill for explaining the Popery-Bill	153
on the Bill to enforce the burying in Woollen	155
on ratifying the Alliances	ib.
VOL. X. at the End.	c
Debate	3

Debate on the Bill to prevent the Exportation of Wool	157
— on the Officers, &c.	159
— on the Supply	164
— on the manner of raising the Million (New Buildings)	179
— on the Re-assumption of Crown-Lands	189
— on the Supply	198
— on the same (Poll-Bill)	200
Protestation on the Marriage-Bill	202
Debate on the Alliances	ib.
— on the Poll-Bill	210
— on the same	213
— on the same	214
— on appropriating the Money to the War	218
— on the Clause for prohibiting <i>French</i> Commodities	220
— on the Bill for better collecting the Hearth-Money	222
— on the State of the Nation	223
Address to the King reported	247
Debate thereon	248
— on asking the Lords Concurrence	ib.
— on Quakers convicted as Popish Recusants	250
— on the Poll Bill	256
Message from the King	257
The Lords Amendments to the Address	ib.
Debate thereon	ib.
— on the Bill for the late King's Interment	265
The King's Speech	266
Reasons for not agreeing to the Lords Amendments	ib.
The Lords Reply	267

## 1678.

Adjournment	268
Sir <i>Robert Sawyer</i> chosen Speaker	ib.
Debate on the proposed Adjournment	269
— on some Words that fell from Sir <i>Thomas Higgins</i>	275
Adjournment	276
Report, of the Growth of Popery	ib.
Lord Chancellor's Speech	277
Debate on the Treaties	279
Reasons of the Growth of Popery	281
Debate thereon	282
— on Sir <i>John Coventry's</i> Complaint	287
— on the Treaties resumed	289
— on the same	292
— on the Lord Chancellor's Speech	296
— on the Treaties resumed	304
— on some Words that fell from Mr <i>Goring</i>	314
Mr <i>Goring</i> reprimanded	318
Debate	

## CONTENTS to VOL. V.

19.

Debate on the Treaties resumed	318
Address thereon reported	331
Debate thereon	332
Mr <i>Seymour</i> re-chosen Speaker	334
The King's Answer to the Vote and Address	335
Debate thereon	ib.
— on the same	337
— on the Duke of <i>Lauderdale</i>	358
— on the Address against the Duke of <i>Lauderdale</i>	361
Address reported	367
Debate thereon	369
— on the Address against the Duke of <i>Lauderdale</i>	371
Verbal Message from the King	382
Debate thereon	ib.
— on some Words that fell from Sir <i>Thomas Clarges</i>	384
— on the King's Message resumed	385
The King's Answer to the Address	390
The King's Speech to the Lords	ib.
Prorogation	ib.

## CONTENTS TO VOLUME VI.

<b>T</b> HE King's Speech	1
Debate on the Lord Chancellor's Speech	2
Debate on a Motion for an Address	3
— on disbanding the Army	15
— on adjourning the Debate	25
Vote sent to the King	26
The King's Answer	ib.
Debate thereon	27
— on going into a Grand Committee	28
— on the King's Message resumed	29
— on an Affidavit annexed to <i>Aldborough</i> Petition	36
— on the Musters of the Army	38
— on disbanding the Army resumed	39
— on the Lord Chancellor's Speech resumed	48
— on some Words that fell from Sir <i>George Hungerford</i>	59
— on a foreign Ship seized at <i>Portsmouth</i>	63
— on the disbanding Bill	65
— on a Motion for reimbursing the King 200,000 <i>l.</i>	67
Message from the King	68
Debate thereon	69
— on Sir <i>Solomon Swale</i> 's Conviction of Popery	70
— on reimbursing the King the 200,000 <i>l.</i>	71
— on the King's Message	79
— on the Bill, &c. obliging Members to take the Oaths	86
— on a Dispute between the Speaker and Sir <i>Tho. Meres</i>	89

Debate on receiving no new Motion for a Supply	92
— on the Charge of the Navy, &c.	ib.
The King's Speech	94
Debate thereon	95
— on the King's Request of an additional Revenue	96
— on the Compensation for the Prohibition of <i>French</i> Com-	
— modities	102
— on Members receiving Pensions	103
Tests proposed	105
Complaint against the Clerk	106
Debate on Sir <i>Solomon Swale's</i> Letter of Excuse	ib.
Sir <i>Solomon Swale</i> expelled the House	107
Message from the King	108
Vote on the Supply	109
Controversy between the Houses	ib.
Conferences	ib.
Vote on the Commons Right of granting Money	110
Prorogations	111
S E S S I O N	
The King's Speech	112
Address thereon	113
The King's Answer	115
Mr <i>Oates's</i> Information	ib.
Debate on his Charge against Mr <i>Wilde</i>	116
Mr <i>Coleman's</i> Letters reported	117
One who had copied the Votes examined	118
Debate on <i>Coleman's</i> Letters	119
<i>Coleman's</i> Examination reported	121
Debate thereon	ib.
— on Sir <i>Edmundbury Godfrey's</i> Murder	122
— on examining Witnesses on Oath	124
Captain <i>Richardson</i> called in	125
Charge against Mr <i>Wright</i>	ib.
Vote concerning the Popish Plot	126
<i>Coleman's</i> farther Examination reported	ib.
Dr <i>Short</i> at the Bar	127
Search of Mr <i>Wright's</i> Chambers reported	ib.
Debate thereon	128
Conference reported	ib.
Debate thereon	129
The Conference as agreed	ib.
The Lords Answer	130
Debate on the apprehending several Priests	ib.
— on the Speaker's being desired to examine <i>Coleman</i>	131
The Speaker's Report	132
Debate thereon	133
— on a Motion for removing the Duke of <i>York</i>	ib.
— on printing <i>Coleman's</i> Letters	149
Debate	

## CONTENTS to VOL. VI.

21

Debate on a Mistake in the Translation of the <i>Gazette</i>	153
— on <i>Coleman's Letters</i> resumed	154
<i>Coleman's</i> farther Examination reported	155
Debate thereon	156
Address for printing <i>Coleman's Letters</i> reported	157
The Printer and Translator examined	ib.
Debate thereon	158
The Printer and Translator called in again	159
Debate resumed	161
The Letters to <i>Bennefield</i> reported	163
Debate thereon	ib.
— on the Papists continuing in Town	165
<i>Col. Macarty</i> examined	167
Debate thereon	ib.
— on a Deed of <i>Lady Elizabeth Delaval's</i>	169
— on <i>Mr Ayliffe's</i> Information	170
— on a Defect in the Prayers for the Fast	ib.
The King's Speech, and Debate thereon	172
Debate on an Information against <i>M. Tortereaux</i>	174
Letters from the Cardinal of <i>Norfolk</i> , &c. reported	176
Debate on the Commissions for giving the Oaths	177
— on a Defect in the Prayers for the Fast resumed	182
<i>Mr Bedlow</i> examined	184
Debate on an undue Return for <i>Northampton</i>	186
Conference reported	ib.
Debate on the Bill for excluding Members	187
— on addressing the King to recall <i>Sir William Godolphin</i>	189
— on Papists residing in the King's Houses	ib.
Address thereon	191
<i>Mr Atkins's</i> Examination reported	192
The King's Answer to the Address	ib.
Debate on the Queen's and Dutches's Servants	193
<i>Mr Bedlow's</i> farther Information	199
Answer to the King's Message reported	200
Debate on the <i>Welch</i> Judges not trying Priests and Jesuits	201
— on the Bill for excluding Members	204
Message thereon	209
Debate on <i>Mr Bedlow's</i> Pardon	ib.
<i>Mr Bedlow's</i> farther Information	210
Debate thereon	ib.
The Lord Chief Justice sent for	213
Debate on raising the Militia	214
Address thereon	215
Debate on <i>Mr Secretary Williamson's</i> counter-signing Popish Com- missions	216
<i>Mr Secretary Williamson</i> sent to the <i>Tower</i>	225
Message from the King on his releasing him	220
Debate thereon	227
Address to the King	239
Debates	

Debate on the Lords Proviso in the Popery Bill	240
— on a Breach of the Peace between Sir <i>Jonathan Trelawney</i> and Mr <i>Ash</i>	254
Sir <i>Jonathan Trelawney</i> sent to the Tower	259
Mr <i>Ash</i> reprimanded	260
Debate on the Defect of Mr <i>Bedlow</i> 's Pardon	261
— on the King's last Speech	262
Heads of the Bill for better Conviction of Papists	268
Debate on the Army	ib.
Message from the Lords	270
The Conference reported	ib.
Debate thereon	ib.
Message from the King	271
Reasons for not agreeing with the Lords in the Bill of Oaths	ib.
The Conference reported	272
The King's Speech	273
Reasons for not agreeing reported	274
Debate on Mr <i>Bedlow</i> 's Pardon	ib.
— on the Papists resorting to Town	277
The King's Answer concerning Mr <i>Bedlow</i>	ib.
Debate on disbanding the Army	278
Account of a Letter to the <i>Dutch Ambassador</i>	285
Debate on a Bill for the better Conviction of Popish Recusants	286
— on Mr <i>Pepys</i> 's granting Passes	ib.
Mr <i>Bedlow</i> 's farther Information	287
Debate thereon	288
Mr <i>Oates</i> 's Examination	291
Debate thereon	ib.
Mr <i>Oates</i> 's Information against the Queen	296
Debate thereon	297
Address thereon	300
The King's Speech on rejecting the Militia Bill	ib.
Debate thereon	301
— The same resumed	304
Debate on the Dangers of the Nation	308
Mr <i>Oates</i> called in	314
Debate on the Disbanding Bill	315
Message from the King	316
Debate thereon	ib.
— on the Impeachment of the five Lords	320
The Form thereof	325
Debate on Mr <i>Oates</i> 's Restraint	326
— on the Bill for the better Conviction of Popish Recusants	328
— on the Disbanding Bill	335
Message from the King	337
Debate thereon	338
Lord	

CONTENTS to VOL. VI.

23

Lord <i>Danby</i> 's Letters produced	348
Debate thereon	<i>ib.</i>
Mr <i>Montagu</i> 's Letters produced	359
Debate thereon	<i>ib.</i>
— on the Lords Amendments to the Disbanding Bill	364
Articles of Impeachment against the Earl of <i>Danby</i> reported	366
Debate thereon	<i>ib.</i>
— on the secret Sitting of the Committee	370
— on the Articles resumed	373
Earl of <i>Danby</i> impeached	387
Letters sent by the King concerning Mr <i>Montagu</i>	388
His Defence	<i>ib.</i>
Mr <i>Prance</i> 's Examination reported	389
Debate thereon	391
The Recorder of <i>London</i> examined	394
Debate thereon	<i>ib.</i>
— on the Lords refusing to sequester Lord <i>Danby</i> from Parliament	399
The King's Speech	400
Prorogation and Dissolution	401

Third Parliament of King CHARLES II.

SESSION I.

The King's Speech	402
Mr <i>Seymour</i> chosen Speaker	403
His Speech thereon	<i>ib.</i>
His Speech to the King, on being presented	404
The Lord Chancellor's Answer, rejecting him	<i>ib.</i>
Debate thereon	405
— The same resumed	409
Message to the King	413
The King's Answer	414
Debate thereon	<i>ib.</i>
Search of the Lords Journal reported	415
Representation to the King	424
The King's Answer	425
Debate thereon	<i>ib.</i>
— The same resumed	433
Second Representation to the King	438
Prorogation	439

CONTENTS

## C O N T E N T S TO V O L. VII.

## S E S S I O N II.

<b>T</b> HE King's and Lord Chancellor's Speeches	1
Serjeant <i>Gregory</i> chosen Speaker	2
His Speech to the King	3
The Lord Chancellor's Answer	ib.
The Speaker's second Speech	ib.
The Lord Chancellor's Answer	4
Debate on inspecting the Journal	ib.
— on the Report of the Search of the Journal	6
Dr <i>Tongue's</i> and Mr <i>Oates's</i> Informations	9
Debate thereon	10
Mr <i>Bedlow's</i> Information	11
Debate thereon	12
Mr <i>Bedlow's</i> Charge against Lord <i>Danby</i> reported	18
The King's Speech	19
Debate thereon	20
— on the Lords desiring a Conference	30
<i>Hills</i> , the Printer, examined	32
Debate on addressing the King	*50
Conference reported	*52
Debate thereon	*53
Search of the Lords Journal reported	*54
The Manner of passing Lord <i>Danby's</i> Pardon reported	*55
Debate on addressing the King against it	*60

1679.

Mr <i>Oates's</i> Charge against Mr <i>Sackville</i>	*63
Mr <i>Oates</i> reprimanded, and his Answer	ib.
Debate thereon	*64
Evidence against Mr <i>Sackville</i>	50
Message from the Lords on Lord <i>Danby's</i> withdrawing	51
Debate thereon	ib.
— on the Charge against Mr <i>Sackville</i>	52
Mr <i>Sackville</i> sent to the Tower, and expelled	53
Debate on addressing the King to displace him	ib.
Mr <i>Sackville</i> brought to the Bar, and Sentence given	55
Mr <i>Oates's</i> Charge against Mr <i>Goring</i>	ib.
Sir <i>Robert Southwell's</i> Defence	56
Debate on a Bill for discovering Popish Recusants	59
— on the Bill of Attainder against the Earl of <i>Danby</i>	60
Heads of a Bill for banishing the Earl of <i>Danby</i>	ib.

N. B. *The Pages marked thus \** are mis-printed.

Debate

CONTENTS to VOL. VII.

Debate thereon	25
—on Sir Robert Southwell's Vindication	61
Mr Oates's Charge against Sir John Robinson	63
—on disbanding the Army	65
Debate on the Disbanding Bill	64
Articles against the Lords in the Tower disbanded	67
Debate on impeaching Sir George Wakeman	73
—on the Bill of Popery	74
—on a Letter, missing, of Lord Stafford's	76
—on the Bill of Popery resumed	77
—occasionally, on Windsor Election	79
Mr Reading's Examination reported	81
Debate thereon	ib.
—The same resumed	ib.
—on the Lords Amendments to Lord Danby's Bill of At-tainder	84
Reasons for disagreeing to them	85
Debate on the Act against importing Irish Cattle	89
—on the Report from the Conference	90
—on the Lords not securing Lord Danby	92
—on advising the King not to part with Tangier	95
—on the Act against importing Irish Cattle	97
Conference reported	101
Debate on Dr Nelson's Petition	103
—on the Report of the Conference	ib.
—on the Lords in the Tower having Copies of the King's Evidence	105
—on the Militia	106
—on the Report of the Search of the Lords Journal	107
—on Lord Bellasis's not being arraigned	114
—on disbanding the Army	117
—on the Report of the Search of the Lords Journal	118
The King's Speech on appointing a new Council	121
The Committee's Opinion on Lord Bellasis's Plea reported	129
Debate thereon	ib.
—on the Earl of Danby's Plea	130
—on the Security of the King's Person, &c.	133
—on the Manner of Lord Danby's obtaining his Pardon	137
The King's and Lord Chancellor's Speeches	152
Debate thereon	158
—on Dr Nelson's Petition	159
Dr Nelson reprimanded, and discharged	164
Debate on the Earl of Danby's Answer	167
—The same resumed	ib.
The Speaker's Speech on demanding Judgment against him	174
Debate on replying to the Lords Plea	186
—on the Address for Removal of the Duke of Lauderdale	187
—on the Lords appointing a Day for Lord Danby's Tryal	188

Debate on the Report of the Methods of Proceeding	208
Sir Gilbert Gerrard's Apology for his Pension	213
Debate on the Lords sending for some condemned Priests	214
on the Speaker's carrying up the Money Bill	216
on the Report of the Conference	219
on the Report of the Search of the Lords Journal	221
Mr Bertie examined	228
Reasons to be offered at a Conference	229
Address for raising the Militia	230
Debate on the Earl of Danby's Petition	ib.
Mr Bertie examined again	232
Debate thereon	ib.
Mr Bertie ordered into Custody	236
Mr McKennis, a Madman's Speech	ib.
Duke of York's Correspondences reported	237
Debate on the best Ways and Means of preserving the King's Life	ib.
Report from the Committee of Lords, &c.	260
Debate thereon	261
The Officers of Ordnance examined	ib.
Debate thereon	262
Message from the King	265
Debate thereon	ib.
Report from the Committee of Lords, &c.	278
Debate thereon	279
on the Bill of Exclusion	286
Counsel heard in Sir Samuel Barnardiston's Case	287
Debate thereon	291
Evidence against Sir Anthony Deane and Mr Pepys	303
Mr Pepys's Defence	305
Sir Anthony Deane's Defence	308
Debate thereon	309
on the Bill of Exclusion	313
Sir Anthony Deane and Mr Pepys sent to the Tower	315
Debate on the Report of the Impeachments last Parliament	ib.
on Money paid to Members by Sir Stephen Fox	316
Report of the Committee	321
Debate thereon	ib.
Sir Stephen Fox names the Pensioners	323
Debate on Lord Danby's Plea	324
Report from the Committee of Secrecy	326
Debate thereon	327
Sir Richard Wiseman examined	333
Debate on the Proceedings relating to the Tryals	336
on the Report from the Committee of Lords and Commons	338
on the Lords proceeding to Tryal	343
The King's Speech	345
Prorogation and Dissolution	ib.

## CONTENTS to VOL. VII.

27

## Fourth Parliament of King CHARLES II.

## SESSION I.

1680.

The King's Speech	347
Mr Williams chosen Speaker	349
Debate on appointing the Committee of Elections	350
Message from the Lords, with their Address and Answer	353
Debate thereon	354
Sir Robert Peyton's Defence	358
Debate on <i>Dangerfield's</i> Accusation of Lord <i>Anglesea, &amp;c.</i>	360
— on <i>Dangerfield's</i> Narrative	366
— on the Proclamation against petitioning	369
— on a Complaint against Sir <i>George Jeffreys</i>	372
Lord Chief Justice <i>North's</i> Information of <i>Bedlow's</i> Testimony	
Sir <i>Francis Wythens's</i> Defence	377
Mr <i>Whitaker's</i> Evidence against him	378
Charge against Sir <i>Robert Yeomans</i> and Sir <i>Robert Cann</i>	379
Debate thereon	383
Sir <i>Robert Cann</i> reprimanded	ib.
Mr <i>Rowe's</i> Evidence against him	383
Sir <i>Robert Cann</i> sent to the <i>Tower</i> , and expelled	384
Evidence against Sir <i>Francis Wythens</i>	385
Debate thereon	ib.
Sir <i>Francis Wythens's</i> last Defence	389
Sir <i>Francis Wythens</i> expelled	391
Debate on the Popish Plot	ib.
— on the Charge against Sir <i>Thomas Muleverer</i>	393
Votes made last Parliament renewed	395
Debate on bringing in the Bill of Exclusion	396
— on bringing in a Bill for uniting Protestants	414
Report of the Examination of the Priests in <i>Newgate</i>	415
Debate thereon	416
— on the Bill of Exclusion	418
— on executing the Laws against Papists and Dissenters	422
— on repealing the Statute 33 <i>Elizabeth</i>	424
— on the Bill of Exclusion	425
Charge against Mr <i>Pagets</i> , a Minister	430
Debate thereon	ib.
— on the Bill of Exclusion	431
Message from the King	432
Sir <i>Edward Dering's</i> Complaint of a Libel	433
Debate thereon	434
— on <i>Turberville's</i> and <i>Dugdale's</i> Evidence	435

28 CONTENTS of VOL. VII.

Debate on a Defect in <i>Dangerfield's Pardon</i>	—	436
— on the King's Message	—	437
Address reported	—	445
Debate on the Bill of Exclusion	—	446
Message to the Lords	—	459
Debate on the Charge against Sir <i>George Jeffreys</i>	—	460
Message from the King	—	471
Debate on the Bill for regulating the Tryals of Peers	—	472
— on the Bailiff of <i>Hastemere's Petition</i>	—	474
— on carrying up the Exclusion Bill	—	475
Fate of the Bill in the Lords House ( <i>Note</i> )	—	477

CONTENTS to VOL. VIII.

<b>D</b> EBATE on the Libel on Sir <i>Edward Dering</i>	1
— on the King's Message relating to <i>Tangier</i>	4
— on desiring the King to remove Lord <i>Halifax</i>	21
— on a Defect in <i>Turberville's Pardon</i>	31
— on the Presentment of the <i>Somerset Grand Jury</i>	32
— on the Address against Sir <i>George Jeffreys</i>	34
The King's Answer to the Addresses	36
Debate thereon	ib.
Articles of Impeachment against Mr <i>Seymour</i>	39
Debate thereon	40
— on the Address against the Earl of <i>Halifax</i>	41
The Address at large	51
Debate on the Proclamation against Petitioning	52
— on the illegal Proceedings of Ld Chief Justice <i>Scroggs</i>	53
— — — — — of Mr Baron <i>Weston</i>	59
— on the Attorney General's being called in	61
The Attorney-General examined	ib.
Debate on the illegal Proceedings of Lord Chief Justice <i>North</i>	67
— on the <i>Berkshire Petition</i>	ib.
Mr <i>Staples</i> reprimanded	73
Mr <i>Seymour's Answer</i> to the Articles	ib.
Debate thereon	78
The King's Answer to the Address against Lord <i>Halifax</i>	87
Debate on Mr <i>Seymour's Impeachment</i> resumed	ib.
— on searching for Precedents	97
— on the Address relating to <i>Tangier</i>	99
— on printing Lord Chief Justice <i>Hale's MSS</i>	106
— on Mr <i>Dangerfield's Petition</i>	107
Report of Forms to be observed at Lord <i>Stafford's Tryal</i>	108
Debate on demanding Judgment against him	109
— on Mr <i>Norris's Information</i>	115
Report of the Search of Mr <i>Sheridan's Papers</i>	120
Mr <i>Sheridan</i> examined	ib.
	Dr

CONTENTS of VOL. VIII.

29

Dr Day examined	121
Farther Report of <i>Sheridan's Papers</i>	ib.
<i>Day and Sheridan</i> re-examined	122
Sir <i>Leoline Jenkins's Defence</i>	ib.
Debate thereon	123
on <i>Agmondebsay</i> Election	127
on securing the Kingdom against Popery	128
on banishing the Papists	132
Sir <i>Robert Peyton's Defence</i>	136
Debate thereon	138
The King's Speech	147
Debate thereon	ib.
Sir <i>Robert Peyton</i> expelled	149
Debate on the King's Speech resumed	ib.
Mr <i>Sheridan</i> re-examined	151
Debate on the State of the Nation	153
on the Bill for regulating the Tryal of Peers	171
Precedents of Commitments reported	175
Debate thereon	176
on Lord <i>Stafford's</i> Desire to be heard at the Bar	181
on the King's Speech resumed	186
on the Address in Answer	198
on the Bill for uniting Protestants	201
on the Warrant of Execution of Lord <i>Stafford</i>	204
on the illegal Proceedings of the Judges	205
Resolves thereon	208
Debate on the Warrant of Execution of Lord <i>Stafford</i>	209
on printing the Proceedings against the Judges	210
on <i>Bury St Edmund's</i> Election	211
on the Charge against Mr <i>Thompson</i> of <i>Bristol</i>	212
on the Bill for exempting Dissenters from certain Penalties	214
on the Vote against Mr <i>Thompson</i>	218
on Mr <i>Sheridan's</i> Habeas Corpus	220
on Place-men and Pensioners	222
on the Naturalization of Protestants	225
on the Bill for Relief against arbitrary Fines	226
on Mr <i>Sheridan's</i> Habeas Corpus	229
on a Motion for bailing Mr <i>Thompson</i>	231
on the Articles against Lord Chief Justice <i>Scroggs</i>	233
Message from the King	234
Debate on calling over the House	235
on the Articles against Lord Chief Justice <i>Scroggs</i>	237
Message from the Lords on the <i>Irish</i> Plot	251
Debate thereon	ib.
on the King's Message	260
on the Lords not committing Ld Chief Justice <i>Scroggs</i>	285
Votes against the Duke of <i>York</i> and the Papists	289
Prorogation and Dissolution	290

Fourth

## Fourth Parliament of King CHARLES II.

## At Oxford.

The King's Speech	291
Mr Williams chosen Speaker	292
Debate on printing the Votes	ib.
— on the Miscarriage of the Bill of Repeal of a Statute	
35 Elizabeth	295
— on bringing in the Bill of Exclusion	ib.

1681.

Debate on returning Thanks to Counties, &c.	299
— on the Loss of the Bill of Repeal, &c.	300
— on <i>Fitzbarris's Examination</i>	303
— on Mr Secretary Jenkins's refusing to carry up his Impeachment	305
— His Submission	308
Thanks ordered to Sir William Waller	309
Debate on the Means for securing the Protestant Religion	ib.
— on the Lords refusing to proceed against <i>Fitzbarris</i>	332
Votes thereon	338
Debate on the Bill of Exclusion	ib.
Dissolution	340
[Summary of the Remainder of King Charles's Reign	341

1685.

## King JAMES's Parliament.

## SESSION I.

Sir John Trevor chosen Speaker	344
The King's Speech	ib.
— His Answer to the Address of Thanks	346
Vote against the Earl of Argyle	ib.
The King's Answer	ib.
Report from the Committee of Religion	347
The King's Speech, for Supply	ib.
Votes thereon	348
Information of the Duke of Monmouth's landing	ib.
Address thereon	349
Duke of Monmouth attainted	350
Message from the King	351
Adjournments	352

## SESSION

## CONTENTS of VOL. VIII. 31

### SESSION II.

The King's Speech	353
Debate thereon, and on the Supply	354
Report from the Grand Committee	361
Address against Popish Officers	ib.
Debate on the Supply	363
on the Way of raising it	368
The King's Answer to the Address	369
Mr Coke's offensive Speech	ib.
Mr Coke sent to the Tower	370
Prorogations	371
Dissolution	372
King James's Abdication	ib.
List of King James's Parliament	373]

## CONTENTS to VOL. IX.

1688.

PRINCE of Orange's Arrival	1
Meeting of the Convention	2
Mr Powle chosen Speaker	ib.
The Prince's Letter	ib.
Debate thereon	3
on filling up the Vacancies of the House	4
on the State of the Nation	6
Vote declaring the Throne vacant	25
Debate on Ships going to France	ib.
on the State of the Nation	26
on Dr Sharp's praying for the King	37
on the same resumed	39
Thanks voted to the Clergy	40
to the Army and Fleet	41
Debate on the Articles of Government	42
on a Petition for crowning the Prince	45
on the Lords Amendment of the Word <i>abdicated</i>	46
Reasons for not agreeing with the Lords, &c.	49
Debate thereon	50
Sir James Smith examined	52
The Conference reported	53
Debate thereon	54
Sir William Waller's Account of bailing Mr Brent	65
Sir James Smith re-examined	ib.
Debate thereon	66
Sir James Smith committed	70
Debate	

32 CONTENTS of VOL. IX.

Debate on filling the Throne	70
Vote and Oaths sent down by the Lords	71
Debate on excluding Papists from the Throne	72
—on the Vote sent down by the Lords	75
—on the Amendments to the Lords Vote	79
—on the Lords Amendments of the Articles	81
The Prince and Princess proclaimed King and Queen	83
The King's Answer to the Declaration of Right	ib.
The King's Speech	84
Debate thereon	ib.
—on preventing Doubts concerning the assembling and fitting of this Parliament	89
—on the same	92
—on Mr Burton's desiring to speak with Sir Robert Howard	107
—on the King's Speech	108
—on taking away the old Oaths of Allegiance, &c.	110
—on the King's Speech	112
—on the King's Revenue	123
A Letter from the King, on the Hearth-Money	128
Debate thereon	ib.
—on the King's committing several Persons	129
Message from the Lords	135
Debate thereon	ib.
—on the Bill for suspending the Habeas Corpus Act	136
—on Grievances	137
—on a Motion for printing the Votes	142
—on the King's Speech	148
—on the Bill for annulling Lord Russell's Attainder	150
—on the King's Revenue	153
—on the King's Speech	158
—on the Mutiny of Lord Dumbarton's Regiment	164
—on disarming the Papists	169
—on Mrs Fitzbarris's Petition	171
—on the Bill for regulating Tryals	172
—on the Revenue	176
Mrs Fitzbarris's Examination	180
Evidence thereon	181
Mr Bowtell's Charge against Captain Motley	183
Debate on the Supply for Ireland	ib.
	1689.
Message from the King	186
Debate thereon	ib.
—on the Charge against Captain Motley	188
Mr Bowtell committed	190
Debate on the Coronation Oath	ib.
Debate	

CONTENTS to VOL. IX.

33

Debate on settling a Revenue on Princess <i>Anne</i>	198
— on an Amendment to the Coronation Oath	200
— on the Bill for establishing the Coronation Oath	<i>ib.</i>
— on a Bill of Treason, from the Lords	205
— on the Lords Amendments of the Bill for abolishing the Oaths of Supremacy, &c.	211
Reasons for disagreeing	216
The Lords Answer	217
Debate thereon	218
The free Conference	220
Debate on rewarding the Duke of <i>Schomberg</i>	226
— on the Lords desiring a present Conference	229
Message thereon	<i>ib.</i>
Report from the free Conference	<i>ib.</i>
<i>Janeway</i> brought to the Bar for printing the Address	230
Debate thereon	<i>ib.</i>
<i>Janeway</i> committed	233
Information of a scandalous Pamphlet	<i>ib.</i>
Debate on a Bill, making it Treason to correspond with King <i>James</i> , &c.	<i>ib.</i>
— on some Words that passed between Captain <i>Bertie</i> and Mr <i>Harbord</i>	234
— on the Bill for establishing the Articles, &c.	236
Sir <i>Henry Monson</i> discharged the House, for refusing to take the Oaths	242
Lord <i>Fanshaw</i> ditto	244
Debate on the Heads for a Bill of Indemnity	<i>ib.</i>
— on the Bill of Indulgence to Dissenters	252
— on the 300 <i>l.</i> Penalty for Forfeitures	254
— on the Heads for a Bill of Indemnity	255
— on the Amendments to the Bill of Indulgence	258
— on suspending the Habeas Corpus Act	262
— on the Bill for empowering the King to apprehend and detain Traytors	271
— on the same	272
— on the Neglect of relieving <i>Londonderry</i>	276
— on the Heads for the Bill of Indemnity	280
— on the same	281
— on the Judgment against <i>Oates</i>	286
— on the same	288
— on the Judgment against Mr <i>Johnson</i>	293
— on the Heads for the Bill of Indemnity	294
— on the King's Letter	295
— on Sir <i>Edward Hales</i> 's Case	297
— on King <i>James</i> 's Declaration	302
The Judges examined	307
Debate thereon	313
— on the Subsidy Bill	<i>ib.</i>
VOL. X. at the End.	e
	Debate

Debate on the Heads for the Bill of Indemnity	314
— on the same	327
— on an Address to secure the Forts and Islands	333
Mr Justice <i>Pawell</i> examined	336
Sir <i>Samuel Astley</i> , Sir <i>Robert Henley</i> , and Mr <i>Bridgman</i> , ditto	338-9
Debate on Lord Chief Justice <i>Herbert</i>	341
— on Mr Justice <i>Wythens</i>	343
— on Lord Chief Justice <i>Wright</i> and Mr Justice <i>Bedingfield</i>	344
— on the Lords Amendments to the Bill of Succession	345
Intercepted Letters	347
Debate thereon	ib.
— on the Lords Amendments to the Bill of Succession	351
— on the <i>Irish</i> Miscarriages	355
— on the Impeachment of the Dispersers of King <i>James's</i> Declaration	356
— on a Breach of Privilege on the Earl of <i>Danby</i>	ib.
— on Mr Justice <i>Bedingfield</i>	359
— on the Warrant to seize the Earl of <i>Danby</i>	361
— on a Petition from the City of <i>London</i> unsigned	362
— on the Impeachment of Sir <i>Adam Blair</i> , &c.	365
Report of the Warrant against the Earl of <i>Danby</i>	368
Debate thereon	ib.
The King's Speech	375
Debate thereon	376
— on the Ecclesiastical Commission	378
— on Ld Chancellor <i>Jeffreys</i> and the Earl of <i>Rochester</i>	383
— on the Bishops of <i>Durham</i> and <i>Rochester</i>	384
— on Lord Chief Justice <i>Herbert</i> and the Earl of <i>Mulgrave</i>	385
— on the Earl of <i>Huntingdon</i>	386
— on Sir <i>Thomas Jenner</i>	387
Adjournments	ib.
The King's Speech	ib.
Prorogation	388

## SESSION II.

Debate on the State of the War	388
— on Sir <i>Thomas Jenner's</i> being bailed	395
— on the Bill for establishing the Rights of the Subject	396
— on Major General <i>Ludlow's</i> coming to <i>England</i>	397
Address to the King to apprehend him	398
Debate on attaching Lord Chancellor <i>Jeffreys</i>	ib.
— on the Supply	400
— on the same	402
— on the State of <i>Ireland</i>	404
Debate	

## CONTENTS to VOL. IX.

35

Debate on Mr <i>Trenchard's</i> and Mr <i>Hampden's</i> being sent for by the Lords	407
— on the State of the Nation	411
— on Convoy-Money	412
— on the Merchants Petition against Captain <i>Churchill</i>	413
— on the State of the Nation	415
— on an Address to the King	421
— on disfranchising the Borough of <i>Stockbridge</i>	423
— on the Defect of Ordnance	425
— on the Charge against Captain <i>Churchill</i>	430
Evidence thereon	432
Captain <i>Churchill</i> sent to the Tower	436
Debate on Dr <i>Walker's</i> receiving Thanks for his gallant Defcnce of <i>Londonderry</i>	ib.
The Speaker's Speech to him	437
His Answer	ib.
Debate on a Petition from the <i>Jews</i>	ib.
— on the State of the Nation	438
— on Abuses in victualling the Fleet	441
The Victuallers committed	446
Debate on Mr <i>Waller's</i> Account of <i>Ireland</i>	ib.
Mr <i>Waller's</i> Account of the Army	447
Debate on the State of <i>Ireland</i>	448
— on Commissary <i>Shales</i>	450
Address against him	454
Debate on Commissary <i>Shales</i> resumed	ib.
— on some Words that fell from Sir <i>Rowland Gwynn</i>	458
The King's Answer to the Address against <i>Shales</i>	459
Debate on a Clause in the Bill of Indemnity	ib.
— on the Address against Commissary <i>Shales</i>	461
Message from the King	465
Debate thereon	466
— on the Land-Tax Bill	473
— on the Lords Amendments to the Bill of Rights	476
— on Princess <i>Anne's</i> Revenue	477
— on the State of the Nation	480
— on the Bill for continuing the Revenue for a Year	490
— on the Clause for saving Princess <i>Anne's</i> Patent	491
— on re-committing the Bill for the Revenue	500
Address on the State of the Nation	504
Debate thereon	506
— on some Words that fell from Serjeant <i>Wogan</i>	508
<i>Adjournment.</i>	
The King's Answer to the Address relating to Princess <i>Anne</i>	510
Debate on the Bill for restoring Corporations	ib.
— on the Bill of Indemnity	520
— on Sir <i>Robert Sawyer's</i> Prosecution of Sir <i>Thomas Armstrong</i>	525
Debate	

36      CONTENTS to VOL. IX.

Debate on the Bill for annulling Sir <i>Thomas Armstrong's</i> At-tainer	529
Mrs <i>Matthews</i> examined	532
Sir <i>Robert Sawyer's</i> Defence	533
Debate thereon	534
Sir <i>Robert Sawyer</i> expelled	538
Debate on the Bills of Indemnity	ib.
— on a Petition from Sir <i>Thomas Pilkington, &amp;c.</i>	547
Prorogation and Dissolution	551

CONTENTS to VOLUME X.

*Second Parliament of King WILLIAM.*

SIR <i>John Trevor</i> chosen Speaker	1
The King's Speech	2
Debate thereon	4

1690.

The King's Answer to the Resolutions,	8
Sir <i>Thomas Mompesson's</i> Assault on Mr <i>Okeden</i>	ib.
Debate on the Supply	ib.
— Ditto	17
Vote concerning the Revenue	22
Debate on the Supply	23
— ditto	28
— ditto	35
— ditto	39
— on reversing the Judgment against the City of <i>London</i>	41
— on the Bill for recognizing King <i>William</i> and Queen <i>Mary, &amp;c.</i>	45
The Lords Protest against it	52
Debate on a Motion for the Forfeitures of unqualified Persons	53
— on the Sheriffs of <i>London</i> being called in	54
— on the Bill for reversing the Judgment against the City of <i>London</i>	58
— on calling in Counsel thereon	61
— on the King's Change of the Lieutenancy of <i>London</i>	67
— on the Abjuration Bill	75
— on securing the Government	87
— on the same	96
Heads of the Bill	98
Debate on the Regency-Bill	ib.
— on the same	102
— on Sir <i>Edward Seymour's</i> Charge against Mr <i>Rowe</i>	108
— on the Regency-Bill	114
— on the Amendments to it	126
— on the Regency-Bill	132
Debate	

## CONTENTS of VOL. X.

37

Debate on Sir Robert Clayton and Sir George Treby's attending the Lords	133
— on preserving the Peace of the Nation	136
— on the same	139
Conference on the Poll-Bill reported	145
Debate theron	146
The King's Speech	150
Adjournment	ib.
Prorogation	151
The King's Speech	ib.
Estimates for the Year 1691	154
Their Majesty's Answer to the Addresses	ib.
The King's Speech	155
Adjournments and Prorogations	156

1691.

The King's Speech	161
Addres in Answer	ib.
Their Majesties Reply	162
Debate on the Miscarriages in the Fleet	ib.
Estimates for the Year 1692	167
Debate on the Supply	168
Information of some Papers taken by Sir Ralph Delaval	171
Debate on the Bill for regulating Tryals in Cases of Treason	ib.
Conference on the Letters taken by Sir Ralph Delaval re- ported	175
Debate thereon	ib.
— on the Supply	ib.
Sir Ralph Delaval examined	181
Debate thereon	ib.
— on the Estimate of the Charge of the Army	184
— on a Message from the King	187
— on the Lords Amendments to the Bill of Oaths for Ire- land	188
— on the Accounts, &c. delivered by the Commissioners of Accounts	191
— on Secret Service Money to Parliament-men	198
— on the Conference on the Bill of Oaths for Ireland	200
Mr Fuller's Information	202
Debate thereon	203
— on the Lords Amendments to the Bill of Tryals	206
The Clause added by the Lords	212
Debate thereon	213
— on the Observations delivered by the Commissioners of Accounts	215
Reasons for disagreeing to the Lords Clause	217
The Lords Answer	ib.
Debate on the Conference	219

Fuller's

<i>Fuller's</i> farther Information	—	—	224
Debate thereon	—	—	225
— on a Motion for farther Supply	—	—	226
Two Conferences reported	—	—	227
Debate thereon	—	—	237
The King's Speech	—	—	240
Adjournment and Prorogations	—	—	241

1692.

The King's Speech	—	—	241
Thanks given to Admiral <i>Russel</i>	—	—	243
Debate on the Transactions of the Fleet	—	—	244
— on the Bill of Tryals in Cases of Treason	—	—	249
Sir <i>John Aesby's</i> Account of the Reasons of not pursuing the French	—	—	252
Debate on Foreign General Officers	—	—	ib.
— on the King's asking the House's Advice	—	—	264
— on Ships taken without Convoy	—	—	268
— on Advice to the King	—	—	274
Estimates for the Year 1693	—	—	279
Debate thereon	—	—	ib.
— on Col. <i>Churchill's</i> Complaint of Breach of Privilege	—	—	281
— on the Bill of Tryals	—	—	285
— on Admiral <i>Russel's</i> Orders, &c.	—	—	291
The Lords Protest on throwing out Sir <i>Edward Hufsey's</i> Bill	—	—	293
Conference reported	—	—	ib.
Debate on advising the King to regulate the Admiralty	—	—	294
Reasons for not agreeing with the Lords in an Amendment to the Land-Tax Bill	—	—	297
Debate on a Book, entitled, "King <i>William</i> and Queen <i>Mary</i> Conquerors"	—	—	ib.
— on the Bishop of <i>Salisbury's</i> Pastoral Letter	—	—	298
— on the Bill for frequent Parliaments	—	—	299
— on the same	—	—	304
The Lords Address of Advice	—	—	309
The King's Speech	—	—	310
Prorogations	—	—	ib.

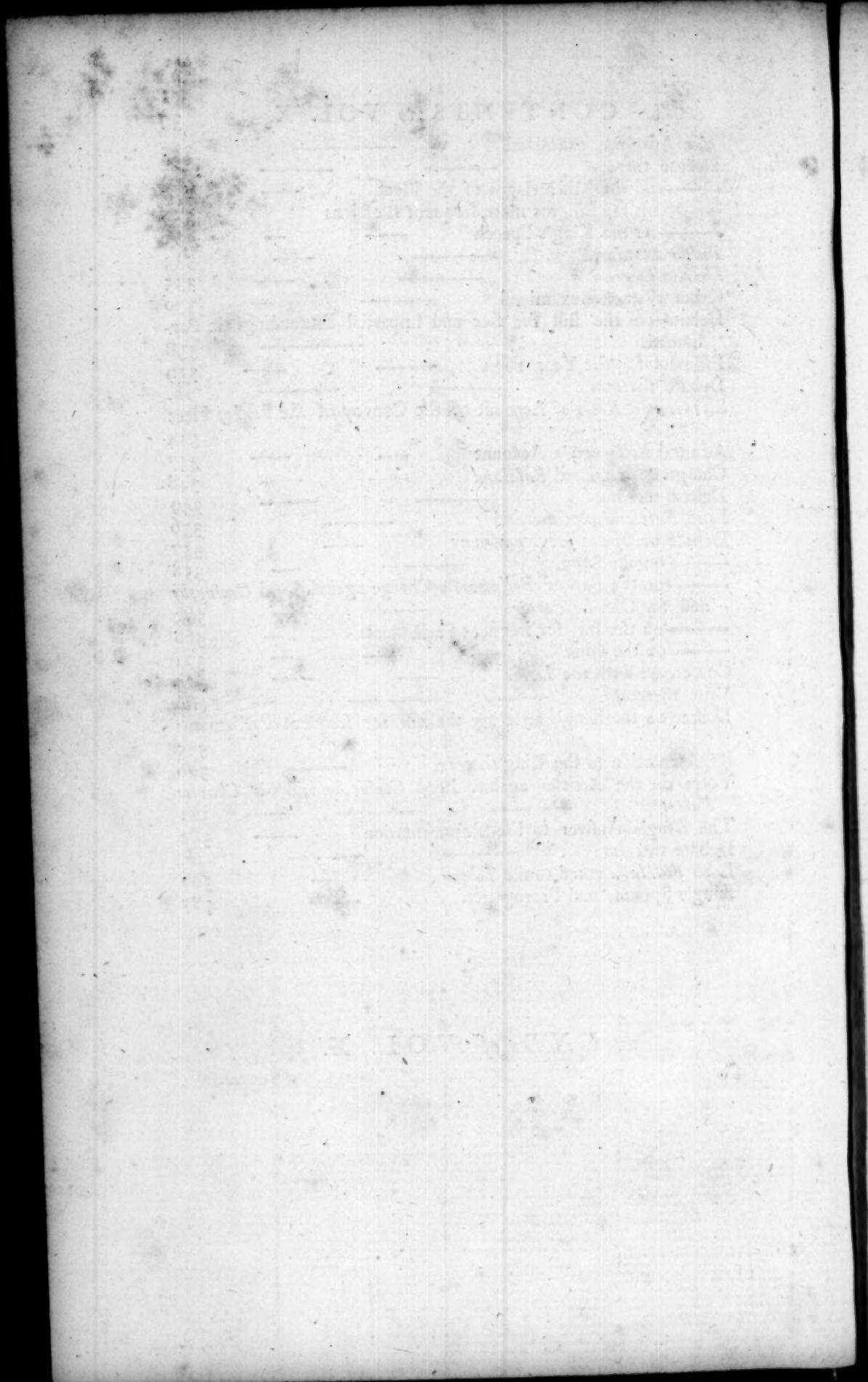
1693.

The King's Speech	—	—	311
Debate thereon	—	—	ib.
— on the Miscarriages of the Fleet	—	—	315
— on the Money issued for the Fleet	—	—	317
— on the Miscarriages of the Fleet	—	—	319
— on <i>Ritter's</i> Information	—	—	320
— on the Miscarriages of the Fleet	—	—	321
			The

CONTENTS to VOL. X.

	39
The Admirals examined	322
Debate thereon	233
on the Miscarriages of the Fleet	237
on the Bill for more frequent Elections	329
on the King's Speech	331
Rutter examined	333
Debate thereon	335
Other Witnesses examined	336
Debate on the Bill for free and impartial Proceedings in Parliament	338
Estimate for the Year 1694	339
Debate thereon	<i>ib.</i>
Sir George Rooke's Account of the Convoy of the Turkey Fleet	344
Admiral Killegrew's Account	347
Charge against Lord Falkland	348
Debate thereon	349
Lord Falkland reprimanded	356
Debate on Secret Service Money	357
on the Supply	358
on the Earl of Bellamont's Charge against Lord Coningsby and Sir Charles Porter	365
on the Bill for frequent Parliaments	368
on the same	371
Conference with the Lords	374
Vote thereon	<i>ib.</i>
Debate on the King's rejecting the Bill for frequent Parliaments	375
Representation to the King thereon	380
Votes on the Articles against Lord Coningsby and Sir Charles Porter	381
The King's Answer to the Representation	382
Debate thereon	<i>ib.</i>
Lord Falkland voted to the Tower	386
King's Speech, and Prorogation	387

END of VOL. X.



## E R R A T A.

VOL. I. Page 3. line 14. *For Sir Thomas Howard, read Sir Robert.* P. 22. l. 3. from the bottom, *for corresponds read corresponded.* P. 64. l. 15, and p. 88. l. 19. *read Irby.* P. 361. l. 16. *read and a rich one.* P. 387. l. the last, *read, we do agree.*

VOL. II. P. 449 *In the Note, for 154, read 454.*

VOL. III. P. 18. l. 23. *for Nolle, read Noli.* P. 103. in the Notes, *for Sic MS, read a public house so called in Westminster.* P. 318 and 319 are paged wrong. P. 379. l. 23. *for 200 read 1200.* P. 446. l. 2. *for the Bill for Exportation of Wool, read the Bill to prevent the Exportation, &c.*

VOL. IV. P. 4. l. 12. *for referred to. N.B. The Committee of Privileges passed it.* l. 13. *read referred to the Committee of Privileges, which passed it.* P. 190. l. 30. *for him read her.* P. 217. l. 9. *read Mr Bernard Howard, &c.* P. 279. l. 25. *for he is read I am. Same page, l. 27. for he was, read I was.*

VOL. V. P. 3. in the Notes, l. the last, *for Prince's, read Prince's.* P. 49. l. 24. *read, an old Order made when Sir Edward Turner was Speaker.* P. 87. in the Notes, *for See MS. read Sic MS.*

VOL. VI. P. 2. l. 16. *for more than once, the thing, &c. read more than once. The thing, &c.* P. 131. in the Notes, *for 115 read 118.* P. 218. l. 35. *for man read men.* P. 240. l. the last, *for heard read hear.* P. 404. l. 16. *for December 27, read March 7.*

VOL. VII. Sheet E is paged wrong. P. 60. l. 1. *for Sackville read Sacheverell.*

VOL. VIII. P. 161. l. 15. *for 2 read 1.* P. 176. in the first Note, *dele this Report, &c. and add it to the second.* P. 341. l. 29. *read was charged by Dugdale, &c.* P. 373. l. 3. *for 1686 read 1687.*

VOL. IX. P. 180. l. 17. *for her read my.* P. 217. l. 36. *for alleged to, read alleged by.* P. 226. l. 28. *for them read him.* same page, l. 29. *for him read them.* P. 549. l. 30. *for they read he.*

VOL. X. P. 54. in the Note, *for 41 read 43.* P. 146. l. 25. *after Conference make a semi-colon.* P. 192. l. 24. *for clear read fair.* P. 354. *at the end of the Note dele Burnet.*